

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

ROBERT C. MURPHY,

STIPULATION

a Judge of the Binghamton City Court,
Broome County.

Subject to the approval of the Commission on Judicial Conduct

(hereinafter "Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between

Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission,
and Honorable Robert C. Murphy (hereinafter "respondent"), who is
represented in these proceedings by Charles O. Ingraham, Esq., as follows.

1. This Stipulation is presented to the Commission in connection with the Formal Written Complaint pending against respondent.
2. Respondent has been an appointed part-time Binghamton City Court Judge from June 14, 2002, to present. His current term ends on June 14, 2008. He is also an attorney in private practice.
3. Respondent was served with a Formal Written Complaint dated June 15, 2007, a copy of which is attached as Exhibit A. The Formal

Written Complaint alleged, *inter alia*, that respondent permitted his law partners and associates to practice law in the Binghamton City Court.

4. Respondent submitted a verified Answer, dated August 10, 2007, in which he admitted, in part, and denied, in part, the allegations of the charges. The Answer is annexed as Exhibit B.

5. Respondent hereby affirms that he will neither seek nor accept reappointment as a judge of the Binghamton City Court upon the expiration of his current term of office on June 14, 2008.

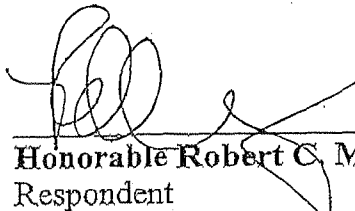
6. Respondent hereby acknowledges that if he ever returns to judicial office, the Administrator would have the right to reinstate the charges against him, and to seek his removal from judicial office.

7. In view of the foregoing, all parties to this Stipulation respectfully request that the Commission close the pending matter based on this Stipulation.

8. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent that this Stipulation will be made public if accepted by the Commission.

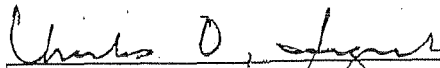
Dated:

Binghamton, NY
April 11, 2008

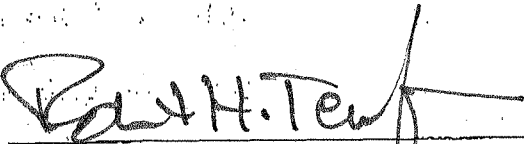


Honorable Robert C. Murphy
Respondent

Dated: 4/11/08


Charles O. Ingraham, Esq.
Attorney for Respondent

Dated: 4/22/08


Robert H. Tembeckjian, Esq.
Administrator and Counsel to the Commission
(Cathleen S. Cenci, Esq., Of Counsel)

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

ROBERT C. MURPHY,

a Judge of the Binghamton City Court,
Broome County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Robert C. Murphy, a Judge of the Binghamton City Court, Broome County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Albany Office, The Hampton Plaza, 38-40 State Street, Albany, New York 12207, with his verified Answer to the specific paragraphs of the Complaint.

Dated: June 15, 2007
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

To: Charles O. Ingraham, Esq.
Attorney for Respondent
Aswad & Ingraham
46 Front Street
Binghamton, New York 13905

EXHIBIT A

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

ROBERT C. MURPHY,

a Judge of the Binghamton City Court,
Broome County.

**FORMAL
WRITTEN COMPLAINT**

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Robert C. Murphy ("respondent"), a Judge of the Binghamton City Court, Broome County.

3. The factual allegations set forth in Charges I through V state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

4. Respondent was admitted to the practice of law in New York in 1987. He has been a Judge of the Binghamton City Court, Broome County, since June 2002, serving part-time. In addition to serving as a part-time judge, respondent maintains a private law practice in Binghamton.

CHARGE I

5. From in or about June 2002, to in or about April 2006, respondent permitted his law partners and associates to appear representing clients in the Binghamton City Court before the other judges of the court, in violation of Section 471 of the Judiciary Law and Section 100.6(B)(3) of the Rules Governing Judicial Conduct.

Specifications to Charge I

6. Respondent was appointed as a part-time Judge of the Binghamton City Court in June 2002. At that time, respondent was a partner in the Binghamton law firm of O'Connor, Gacioch, Pope and Tait. Partners and associates of the firm included James C. Gacioch, Alan J. Pope, Jeffrey A. Tait, Hugh B. Leonard, Patricia A. Cummings, Kurt D. Schrader, respondent, Andrea B. Sarra and Linda M. Blom.

7. In or around January 2003, respondent, Alan J. Pope and Jeffrey A. Tait formed the law firm of Pope, Tait and Murphy. Partners and associates of the firm included Alan J. Pope, Jeffrey A. Tait, respondent, Kurt D. Schrader, Andrea B. Sarra and Linda M. Blom. In or around July 2003, James A. Sacco joined the firm as a partner.

8. In or around January 1, 2004, after Jeffrey A. Tait became a Justice of the Supreme Court, the law firm of Pope, Tait and Murphy was dissolved, and respondent, Alan J. Pope, Kurt D. Schrader and James Sacco formed the law firm of Pope, Schrader and Murphy. The law firm of Pope, Schrader and Murphy remained in existence until in or about May 2006, when respondent left the firm to open his own law office as a sole practitioner.

9. As set forth more fully on the appended Schedule A, from in or about June 2002, to in or about April 2006, respondent permitted his law partners and associates to appear in numerous criminal and civil cases before other judges of the Binghamton City Court.

10. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance his own private interest and the private interest of others, in violation of Section 100.2(C) of the Rules; failed to conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he engaged in financial and business dealings that may reasonably be perceived to exploit the judge's judicial position, in violation of Section 100.4(D)(1) of the Rules; and permitted his partners or associates to practice law in the court in which he is a judge, in violation of Section 100.6(B)(3) of the Rules.

CHARGE II

11. In or about July 2005, respondent failed to disqualify himself and presided over *Wilder and Indira Valle v. Dawn Marvin and Emmanuel Martinez*, and granted judgment in favor of the petitioners, notwithstanding that the petitioners were clients of respondent's law partner, Kurt D. Schrader, and Mr. Schrader had personally appeared in court before respondent representing the petitioners in this case.

Specifications to Charge II

12. On or about July 28, 2005, the petitioners in *Valle v. Marvin and Martinez* appeared before respondent, along with their attorney, Kurt D. Schrader, in connection with their petition for eviction and rent due. The respondents did not appear. Respondent permitted Mr. Schrader to withdraw as counsel and the petitioners to proceed *pro se*. The transcript of the proceeding is appended hereto as Exhibit 1.

13. At the conclusion of the proceeding, respondent stated that he would sign a warrant of eviction and that he was granting judgment in favor of Mr. and Mrs. Valle in the amount of \$1,695. Subsequently, on motion of the respondents in the case, another judge of the Binghamton City Court, William Pelella, vacated the default and heard the matter *de novo*.

14. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of

Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance his own private interest and the private interest of others, in violation of Section 100.2(C) of the Rules; failed to perform the duties of judicial office impartially and diligently, in that he failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, in violation of Section 100.3(E) of the Rules; failed to conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he engaged in financial and business dealings that may reasonably be perceived to exploit the judge's judicial position, in violation of Section 100.4(D)(1)(a) of the Rules; and permitted his partners or associates to practice law in the court in which he is a judge, in violation of Section 100.6(B)(3) of the Rules.

CHARGE III

15. In or about August and September 2005, respondent failed to disqualify himself and presided over two summary proceedings, *Forte Management v. Jennifer Breeze* and *Boris Landesbaum v. Shamecia Jordan*, in which the petitioners were represented by attorney Thomas J. Dellapenna, Jr., who both practiced law in Broome County and was a part-time Justice of the Union Town Court in Broome County, and was therefore prohibited by Section 100.6(B)(2) of the Rules Governing Judicial Conduct from appearing before respondent.

Specifications to Charge III

16. On or about August 23, 2005, Thomas J. Dellapenna, Jr., appeared before respondent on behalf of the petitioners in the *Fort Management* and *Landesbaum* cases. Respondent Jennifer Breeze appeared but respondent Shamecia Jordan did not appear. Mr. Dellapenna, who did not know before appearing that the cases would be heard by respondent, pointed out to respondent that, as both a part-time judge and practicing lawyer in the same county as respondent, he was prohibited from appearing before respondent. Respondent then allowed another attorney, James Mack, who was present in court, to stand in for Mr. Dellapenna. Respondent adjourned the proceedings so that proper service on the respondents could be effected. The transcript of the proceeding on August 23, 2005, is appended hereto as Exhibit 2.

17. Thereafter, Judge Dellapenna filed new affidavits of service in both cases with the court, and on or about September 8, 2005, respondent issued warrants of eviction for non-payment of rent in both cases.

18. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary,

in violation of Section 100.2(A) of the Rules; failed to perform the duties of judicial office impartially and diligently, in that he failed to disqualify himself in proceedings in which his impartiality might reasonably be questioned, in violation of Section 100.3(E) of the Rules; and took substantive action in two matters notwithstanding that he knew the petitioners were represented by a lawyer who was also a part-time judge in Broome County, in violation of Section 100.6(B)(2) of the Rules.

CHARGE IV

19. On or about February 25, 2006, in *People v. Scott Robinson*, respondent accepted a guilty plea to a felony charge of Criminal Sale of a Controlled Substance, 3rd Degree, from the defendant at arraignment, notwithstanding that pursuant to Section 10.30 of the Criminal Procedure Law, respondent did not have jurisdiction to dispose of a felony charge. A transcript of the arraignment is attached as Exhibit 3.

20. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain

professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to accord the defendant the right to be heard according to law, in violation of Section 100.3(B)(6) of the Rules.

CHARGE V

21. From in or around August 2005 to in or around April 2006, in the six cases set forth in the specifications below, respondent made statements to the defendants at arraignment which implied that he had prejudged their guilt.

Specifications to Charge V

22. On or about August 23, 2005, respondent arraigned the defendant in *People v. Brendan Sullivan* on a charge of Criminal Possession of Stolen Property, 5th Degree. Respondent set bail at \$300 cash, \$600 bond. At the conclusion of the arraignment, respondent stated to the defendant, "Again, Mr. Sullivan, I would hope that someone who is attending Elms College would, you know, not passing on the truth or falsity of the charge, would have better judgment than to get tied up with something like this." The transcript of the arraignment is attached as Exhibit 4.

23. On or about March 14, 2006, respondent arraigned the defendant in *People v. Edward R. Bokal* on a charge of Criminal Mischief, 3rd Degree. After the defendant requested to be represented by the public defender and respondent entered a not guilty plea on his behalf, respondent said to the defendant, "This is not your first clambake, Mr. Bokul. You seem to -- when you do you seem to go right to it don't you." Respondent also said to the defendant, "At some point in time there becomes a point in our lives when we manage to figure out that destroying other people's property or

damaging it is a bad thing. When do you think you hit that?" Respondent also said, "I'm saying do you understand it is not for you to touch anyone else's stuff.... Since about five years old or so, six?" Respondent also told the defendant he needed to "grow up." The transcript of the arraignment is attached as Exhibit 5.

24. On or about March 21, 2006, respondent arraigned the defendant in *People v. Scott Friedman* on charges of Driving While Intoxicated as a felony and Deviating From a Straight Course, and after the defendant stated that he would retain counsel and pled not guilty, respondent stated that he had concerns about the defendant's "ability to stay out of trouble" and warned the defendant that if he drove and was stopped, respondent would send him to jail. The transcript of the arraignment is attached as Exhibit 6.

25. On or about March 21, 2006, respondent arraigned the defendant in *People v. Gerardo Valdes* on charges of Resisting Arrest, Criminal Impersonation, 2d Degree and a violation of Local Law 14-38. After advising the defendant of the charges and prior to advising him of his rights, respondent stated, "I'm not passing on the truth or falsity of the charges but that's snatching defeat from the jaws of victory there, Mr. Valdes." After the defendant indicated that he wished to be represented by the public defender and respondent entered a not guilty plea on his behalf, respondent engaged the defendant in a colloquy, in which *inter alia*, respondent stated, "I'm not passing on the truth or falsity of the charge, but this is taking something that was very little into something that was very big, okay, all right, so I'm hoping at this point in time that we all -- everyone can learn from the situation," and respondent elicited from the defendant an

admission that he had a problem with drugs. The transcript of the arraignment is attached as Exhibit 7.

26. On or about April 14, 2006, respondent arraigned the 16-year-old defendant in *People v. [REDACTED]*, on charges of Harassment, 2d Degree, and Endangering the Welfare of a Child. After the defendant indicated that she wanted to be represented by the public defender and respondent entered a not guilty plea on her behalf, respondent said to the defendant, *inter alia*, "You're about ten years older than six or seven years old, right? I'm not passing on the truth or the falsity of the charge but I would expect that a sixteen year old woman would start to try to start acting like that." Respondent also stated, "Well, if you can definitely come back to court then can I rely upon you not to get into fights with anyone...especially people holding babies for the next thirty days or so?.... Is that a hard thing to figure out?" Respondent also stated that "the behavior that's alleged is not something a rational person does." Respondent admonished the defendant that, "You know the next time you come back to court it won't be your first charge and that you'll probably go to jail. Not probably, if you come in front of me you'll definitely go to jail, do you understand that?.... So if you were to go out here and give [the complaining witness] or anyone else a hard time and you came in front of me, your next stop is the Broome County Jail, do you understand that?" The transcript of the arraignment is attached as Exhibit 8.

27. On or about April 14, 2006, respondent arraigned the defendant in *People v. Kyle Bidwell* on a charge of False Personation; the defendant had been arrested on a warrant for failure to pay a surcharge in connection with an earlier conviction for

Driving While Ability Impaired. After the defendant requested to be represented by the public defender and respondent entered a not guilty plea on his behalf on the new charge, respondent, *inter alia*, told the defendant that he might have some substance abuse “issues” that needed to be addressed, and questioned whether the defendant’s employment at two local restaurants was appropriate, stating, “Well, I know the restaurant business is a good business for somebody whose got a controlled substance abuse problem. It’s late nights, closing up, having drinks as people are closing up, talking, going out and partying, all right?” The transcript of the arraignment is attached as Exhibit 9.

28. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that by his words and conduct, he manifested bias or prejudice against the defendants, in violation of Section 100.3(B)(4) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: June 15, 2007
New York, New York

A handwritten signature in black ink, appearing to read "Robert H. Tembeckjian", written over a horizontal line.

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

ROBERT C. MURPHY,

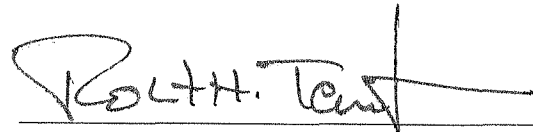
VERIFICATION

a Judge of the Binghamton City Court,
Broome County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.


Robert H. Tembeckjian

Sworn to before me this
15th day of June 2007


Notary Public

ALAN W. FRIEDBERG
NOTARY PUBLIC, State of New York
No. 31-4511070
Qualified in New York County
Commission Expires Aug. 9, 2009

HON. ROBERT C. MURPHY

Schedule A to Formal Written Complaint

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Wayne M. A.</i> (2002-75048, sealed) Assault, 3 rd	Kurt Schrader (retained) from 1/16/03	11/22/02-4/9/03	JTH
<i>People v. Ryan D. Ballard</i> (2004-82001) DWI; Speeding; Crossed Pavement Markings	Kurt Schrader (retained) from 6/24/04	6/22/04-1/10/05	MAL, WCP
<i>People v. David A. B.</i> (2002-7446) Loitering; Possession of Marijuana	Kurt Schrader (assigned by MAL) from 4/9/03 (representation terminated due to conflict of interest)	10/7/02-10/20/03	MAL
<i>People v. David A. B.</i> (2003-76523, sealed, YO) Sexual Misconduct	Kurt Schrader (assigned by MAL) from 4/9/03) (representation terminated due to conflict of interest)	10/7/02-10/20/03	MAL
<i>People v. Michael T. Banks</i> (2005-86972) Robbery, 2 nd	Kurt Schrader (assigned by WCP) from 7/14/05	7/12/05-2/28/06 (Transferred to County Court)	MAL, WCP
<i>People v. Duane F. Beecher</i> (2005-84642) Menacing, 2 nd	Kurt Schrader (assigned by WCP) from 3/15/05	1/17/05-10/13/05	MAL, WCP
<i>People v. Duane F. Beecher</i> (2005-87457) Bail Jumping, 3 rd	Kurt Schrader (assigned by MAL) from 9/9/05	8/29/05-10/13/05	MAL
<i>People v. Brenda B.</i> (2003-76524, sealed, YO) Assault With Intent To Cause Physical Injury With A Weapon; Criminal Possession Of Weapon, 4 th	Kurt Schrader (assigned by JTH) from 5/16/03	4/14/03-11/12/03 (Transferred to County Court)	JTH, RCM ²

¹ JTH = Hon. John T. Hillis
MAL = Hon. Mary Anne Lehmann
WCP = Hon. William C. Pelella
RCM = Hon. Robert C. Murphy
DFC = Hon. David F. Crowley

² Judge Murphy's involvement in each case on this schedule preceded the appearance in that case of a member of his law firm, with the exception of *Valle v. Wilder and Martinez*.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Everett P. Brand</i> (T2003-4856) Speeding	James Sacco (retained) from 9/9/03	9/5/03-10/6/03	MAL
<i>People v. Robert J. Brault</i> (2006-89390) Harassment, 2 nd	Kurt Schrader (assigned by WCP) from 3/24/06	2/7/06-pending ²	MAL, RCM ² , WCP
<i>People v. Robert J. Brault</i> (2006-89519) Criminal Contempt, 2 nd	Kurt Schrader (assigned by WCP) from 3/24/06	2/17/06-pending ³	WCP
<i>People v. Robert J. Brault</i> (2006-89520) Criminal Contempt, 1 st	Kurt Schrader (assigned by WCP) from 3/24/06	2/17/06-pending ³	WCP
<i>People v. Barry O. B.</i> (2003-76764, sealed) Patronizing A Prostitute, 4 th , reduced to Disorderly Conduct	Kurt Schrader (retained) from 5/30/03	5/20/03-3/12/04	MAL
<i>People v. Kenneth B.</i> (2003-76665, sealed) Criminal Trespass, 3 rd	Kurt Schrader (assigned by JTH) from 6/19/03	4/22/03-9/22/03	JTH
<i>People v. Richard Christaldi</i> (2002-73800) Assault, 3 rd	Kurt Schrader (assigned by MAL) from 4/3/03	8/21/02-6/18/03	MAL
<i>People v. Gary James C.</i> (2004-83358, sealed) Unlawful Possession Of Marijuana	James Sacco (retained) from 10/21/04	10/14/04-6/15/05	DFC
<i>People v. Robert L. Covello</i> (2004-80229) Attempted Assault, 1 st , Aggravated Harassment, 2 nd	James Sacco (assigned by MAL & JTH) from 2/6/04 (prior assignment in County Court)	2/6/04-9/20/04	MAL

¹ JTH = Hon. John T. Hillis
MAL = Hon. Mary Anne Lehmann
WCP = Hon. William C. Pelella
RCM = Hon. Robert C. Murphy
DFC = Hon. David F. Crowley

² Judge Murphy's involvement in each case on this schedule preceded the appearance in that case of a member of his law firm, with the exception of *Valle v. Wilder and Martinez*.

² Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. John E. Daniel</i> (2005-88023) Assault, 3 rd	Kurt Schrader (assigned by WCP) from 10/14/05	10/4/05-3/23/06	MAL, WCP
<i>People v. Mustafa F.</i> (2003-78333, sealed) Disorderly Conduct	James Sacco (assigned by MAL) from 12/12/03; (assigned by DFC) from 7/19/04	8/28/03-5/3/05	DFC, MAL
<i>People v. Teresa K. Franzen</i> (2006-89061) DWI; other V&Ts	James Sacco (retained) from 1/11/06	1/11/06-2/16/06	MAL
<i>People v. John L. F.</i> (2003-78062, sealed) Harassment, 2 nd	Kurt Schrader (retained) from 8/15/03	8/4/03-2/19/04	MAL, RCM ²
<i>People v. Charles A. Furman</i> (2005-85997) Petit Larceny (2 counts)	Kurt Schrader (assigned by MAL) from 8/30/05	5/10/05-11/22/05	MAL
<i>People v. Charles A. Furman</i> (2005-85998) Trespass (2 counts)	Kurt Schrader (assigned by MAL) from 8/30/05	5/10/05-11/22/05	MAL
<i>People v. Charles A. Furman</i> (2005-87034) Criminal Contempt, 2 nd	Kurt Schrader (assigned by MAL) from 8/30/05	7/20/05-11/22/05	MAL
<i>People v. Erin M. Giblin</i> (2006-89443) Operating While Registration Suspended/Revoked; No Distinctive Plate	James Sacco (retained) from 3/14/06	2/17/06-pending ³	WCP
<i>People v. Shamarr T. Grant</i> (2004-83809) Criminal Possession Of A Weapon, 4 th ; Resisting Arrest; Trespass; Disorderly Conduct	Kurt Schrader (assigned by MAL) from 5/2/05	11/8/04-2/8/06	WCP

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Shamarr T. Grant</i> (2005-88418) Disorderly Conduct	Kurt Schrader	1/11/06-pending ³	MAL
<i>People v. Shamarr T. Grant</i> (2005-85778) Criminal Possession of Weapon, 3 rd ; Reckless Endangerment, 2 nd	Kurt Schrader (assigned by MAL) from 5/2/05	4/16/05-7/21/05 (transferred to County Court)	MAL, RCM ²
<i>People v. Andrew P. Hauser</i> (2003-78541) Assault, 2 nd (reduced to Assault, 3 rd)	Kurt Schrader (assigned by MAL) from 9/30/03	9/9/03-2/11/04	MAL, RCM ²
<i>People v. Damian M. H.</i> (2003-79386, sealed) Burglary, 1 st	James Sacco (assigned by Patrick Matthews and by MAL) from 12/8/03	11/14/03-1/7/04	MAL
<i>People v. Michele M. H.</i> (2002-73795, sealed) Assault, 3 rd	Kurt Schrader (assigned by MAL) from 12/19/02	8/22/02-3/7/03	MAL
<i>People v. Thomas A. Hodges</i> (2005-85221) Aggravated Unlicensed Operator, 2 nd ; Cell Phone In Motor Vehicle	Kurt Schrader (retained) from 8/29/05	2/22/05-pending ³	MAL, WCP
<i>People v. Thomas A. Hodges</i> (2005-87641) Criminal Contempt, 2 nd	Kurt Schrader (retained) from 9/23/05	9/7/05-pending ³	MAL
<i>People v. Tina M. Hollister</i> (2004-81022) Unauthorized Use Of A Motor Vehicle; Aggravated Unlicensed Operator, 3 rd	James Sacco (assigned by MAL) from 5/7/04	4/2/04-9/15/04 4/3/04-9/15/04	MAL
<i>People v. Gary Hutchings</i> (2005-87274) Assault, 2 nd	James Sacco (retained) from 8/12/05	8/11/05-pending ³ (proof of community service)	WCP, MAL

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. Denton A. J.</i> (2003-76000, sealed) Criminal Trespass, 2 nd	Kurt Schrader (assigned by MAL) from 7/17/03	2/27/03-9/30/03	JTH, MAL
<i>People v. Denton A. Johnson</i> (2004-84289) Robbery, 2 nd (reduced to Petit Larceny)	Kurt Schrader (assigned by MAL) from 1/6/05	12/16/04-8/4/05	DFC, MAL, WCP disposed
<i>People v. Marcus Johnson</i> (2003-79809) Aggravated Harassment, 2 nd	Kurt Schrader (assigned by MAL) from 8/30/04	12/23/03-12/2/04	MAL
<i>People v. Simon J.</i> (2002-73080, sealed) Criminal Possession Of A Controlled Substance, 3 rd	Kurt Schrader (assigned by JTH) from 7/8/02	7/2/02-8/21/02	JTH
<i>People v. Perry K.</i> (2005-86219, sealed) Harassment, 2 nd	James Sacco (retained) from 5/26/05	5/26/05-1/13/06	MAL
<i>People v. Kimberly K.</i> (2004-83824, sealed) Disorderly Conduct; Petit Larceny	Kurt Schrader (assigned by MAL) from 11/23/04	11/10/04-2/24/05	DFC, MAL
<i>People v. Summer L.</i> (2003-76489, sealed) Criminal Trespass, 2 nd	Kurt Schrader (assigned by JTH) from 10/7/03	4/4/03-12/16/03	JTH
<i>People v. Nora E. L.</i> (2003-74116, sealed) Petit Larceny	Kurt Schrader (assigned by MAL) from 1/23/03	9/18/02-10/9/03	JTH, RCM ² , MAL
<i>People v. Aaron R. Lown</i> (2004-84398) DWI (reduced to DWAI)	Kurt Schrader (retained) from 1/3/05	12/26/04-3/7/05	WCP, MAL

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Jeffrey S. Manning</i> (2004-83228) Unlawful Possession Of Marijuana; Endangering The Welfare Of A Child	Kurt Schrader (assigned by MAL) from 10/21/04	9/24/04-5/2/05	MAL
<i>People v. Albert L. Mason</i> (2005-87952) Petit Larceny	Kurt Schrader (assigned by WCP) from 2/23/06	9/28/05-pending ³	WCP, MAL
<i>People v. Miguel M.</i> (2002-71667, sealed) Harassment, 2 nd	Kurt Schrader (assigned by JTH) from 7/31/02	7/22/02-9/23/02	JTH, MAL
<i>People v. Francis J. M.</i> (2003-78401, sealed) Patronizing A Prostitute, 4 th	James Sacco (retained) from 9/2/03	9/2/03-10/2/03	MAL, RCM ²
<i>People v. Francis J. McBride, Jr.</i> (2003-79658) Suspended Registration; (T2003-6718) No Insurance	James Sacco (retained) from 1/13/04	12/9/03-2/10/04	MAL
<i>People v. Nicholas F. McKnight</i> (2002-72598) Aggravated Unlicensed Operator, 2 nd ; No Tail Lights	Kurt Schrader (retained) from 6/14/02	5/30/02-1/28/03	MAL, JTH
<i>People v. Heather Michaels</i> (2003-77698) Petit Larceny	Kurt Schrader (assigned by MAL) from 8/25/03	7/8/03-2/9/04	MAL
<i>People v. Anthony T. M.</i> (2002-75309, sealed) Robbery 1 st	Kurt Schrader (assigned by MAL) from 12/27/02	12/19/02-6/30/03	MAL, JTH

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Marsha D. Miles Lewis</i> (2004-83251) Multiple V&T's including Aggravated Unlicensed Operator, 3 rd (7 charges total)	Kurt Schrader (retained) 9/29/04, then discharged; Scott Kurkoski from 9/29/04	9/29/04-3/7/05	MAL
<i>People v. Matthew Millard</i> (2003-78863) Sodomy, 1 st	James Sacco (retained) from 10/2/03	10/2/03-1/13/04 (transferred to County Court)	MAL
<i>People v. Renee C. Milligan</i> (2005-87199) Unauthorized Use Of Motor Vehicle	Kurt Schrader (assigned by MAL) from 8/12/05	8/3/05-pending ³	MAL
<i>People v. Seamus W. Murphy</i> (2005-85192) No Front Plate; Aggravated Unlicensed Operator, 3 rd	Kurt Schrader (retained) from 3/16/05	3/4/05-8/16/05	MAL arraignment, Hon. Maureen Byrne (from 3/21/05)
<i>People v. Raymond Noel</i> (2004-80789) Burglary	Kurt Schrader (assigned by MAL) from 4/8/04 (representation terminated after defendant hired private counsel)	3/20/04-5/14/04 (transferred to County Court)	MAL
<i>People v. Eileen O.</i> (2002-73503, sealed) Assault, 3 rd	Kurt Schrader (retained) from 8/5/02	7/31/02-6/24/03	MAL, RCM ²
<i>People v. Joseph C. Piccolo</i> (2005-87770) Criminal Mischief, 3 rd ; Assault, 2 nd ; Obstruction Of Governmental Administration; Criminal Possession Of Forged Instrument	James Sacco (retained) from 9/16/05	9/15/05-pending ³	MAL

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Joseph C. Piccolo</i> (2005-87771) Criminal Tampering, 3 rd	James Sacco (retained) from 9/19/05	9/15/05-pending ³	unrecorded
<i>People v. Joseph A. Pistoia</i> (T2004-0849) Stopped In Roadway	Kurt Schrader (retained) from 4/28/04	2/22/04-5/26/04	MAL
<i>People v. Joseph A. Pistoia</i> (T2004-1208) Operating Out Of Class; Failed To Yield Left Turn	Kurt Schrader (retained) from 4/28/04	3/11/04-5/26/04	MAL
<i>People v. Joseph A. Pistoia</i> (T2004-1357) No Headlights	Kurt Schrader (retained) from 4/28/04	3/26/04-5/26/04	MAL
<i>People v. Joseph A. Pistoia</i> (2004-83081) Illegal Operation Of Taxicab; Operating Taxicab Without A Permit	Kurt Schrader (retained) from 10/7/04)	9/16/04-8/16/05	DFC, MAL
<i>People v. Joseph A. Pistoia</i> (2005-86142) Operating Cab Without A Permit	Kurt Schrader (retained) from 5/24/04	5/20/05-pending ³ (ACD)	MAL, WCP
<i>People v. Joseph A. P.</i> (2005-84547, sealed) No Taxi Driver Permit	Kurt Schrader (retained) from 1/7/05	1/19/05-2/16/06	MAL
<i>People v. Mary L. P.</i> (2004-82177, sealed) Harassment, 2 nd	Kurt Schrader (assigned by DFC) from 7/23/04	7/13/04-12/15/04	DFC, MAL
<i>People v. Richard Purdy, Jr.</i> (2005-86240) Harassment, 2 nd ; Criminal Mischief, 4 th	Kurt Schrader (assigned by WCP) from 6/3/05	5/23/05-pending ³ in DV court	MAL, WCP

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. Kevin Qi</i> (2006-89473) Criminal Trespass, 3 rd	James Sacco (retained) from 2/21/06	2/15/06-pending ³	WCP
<i>People v. Alison I. S.</i> (2002-74627, sealed) Resisting Arrest; Obstructing Governmental Administration	Kurt Schrader (assigned by MAL) from 1/14/03	10/23/02-2/14/03	MAL, RCM ²
<i>People v. William S. S.</i> (2002-72758, sealed) Harassment, 2 nd	Kurt Schrader (assigned by MAL) from 7/25/02	6/28/02-3/11/03	MAL, JTH
<i>People v. William S. Savage</i> (2002-73733) Sexual Misconduct	Kurt Schrader (assigned by MAL) from 9/11/02	8/1/02-10/3/03	MAL, RCM ²
<i>People v. Jared M. Scanlon</i> (2005-85494) Petit Larceny	Kurt Schrader (assigned by MAL) from 9/16/05	3/29/05-9/21/05	RCM ² , MAL
<i>People v. Jared M. Scanlon</i> (2005-87460) Criminal Trespass, 2 nd	Kurt Schrader (assigned by MAL) from 9/16/05	8/24/05-9/21/05	MAL
<i>People v. Stephen M. Sedlock</i> (2004-81701) Forcible Touching	James Sacco (retained)	5/28/04-7/12/05	MAL
<i>People v. Wayne M. S.</i> (2004-80168, sealed) Resisting Arrest; Disorderly Conduct	James Sacco (assigned by JTH) from 3/8/04	1/28/04-8/9/05	JTH, MAL, WCP
<i>People v. Jolene Spoonhauer</i> (2000-62918 and 2001-64822) Assault 3 rd and Issuing Bad Checks	Kurt Schrader (assigned by JTH) from 2/28/03	9/12/00-9/1/04; 1/25/01-9/1/04	JTH, MAL

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Jamie S.</i> (2005-88338, sealed) Disorderly Conduct; Obstructing Governmental Administration, 2 nd	Kurt Schrader (assigned by MAL) from 12/15/05	11/2/05-3/21/06	MAL, WCP
<i>People v. Jamie S.</i> (2005-88339, sealed) Petit Larceny	Kurt Schrader (assigned by MAL) from 1/17/06	12/22/05-3/21/06	MAL
<i>People v. Adrian I. Stevenson</i> (2004-82315) Criminal Trespass, 2 nd	James Sacco (assigned by DFC) from 11/12/04	7/24/04-5/20/05	MAL
<i>People v. Edward J. S.</i> (2003-78102, sealed) Criminal Possession Of Controlled Substance, 3 rd	James Sacco (assigned by MAL) from 8/14/03	8/6/03-2/4/04	JTH, MAL
<i>People v. Laureen S. Swartz</i> (2004-82179) Petit Larceny	Kurt Schrader (assigned by MAL) from 12/10/04	7/9/04-5/27/05	MAL
<i>People v. Laureen S. Swartz</i> (2004-84134) CPFI, 2 nd	Kurt Schrader (assigned by MAL) from 12/10/04	12/1/04-5/19/05 (transferred to County Court)	MAL, RCM ²
<i>People v. Laureen S. Swartz</i> (2005-86739) Petit Larceny	Kurt Schrader (assigned by MAL) 8/12/05	6/26/05-pending ³	MAL, RCM ²
<i>People v. Jeffrey A. Tait</i> (T2003-2585) Speed (reduced to Failure To Obey Traffic Device)	Kurt Schrader (retained) from 5/19/03	5/19/03-6/13/03	unrecorded
<i>People v. Justin Tanner</i> (2005-88225), Aggravated Harassment, 2 nd	Kurt Schrader (assigned by MAL) from 12/20/05	11/2/05-pending ³	WCP, MAL

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Derek E. T.</i> (2005-85230, sealed) Criminal Mischief, 4 th ; Assault, 3 rd	Kurt Schrader (assigned by MAL) from 4/6/05	3/7/05-5/10/05	WCP, MAL
<i>People v. Derek E. T.</i> (2005-85514, sealed) Assault, 3 rd	Kurt Schrader (assigned by MAL) from 4/6/05	3/30/05-5/10/05	MAL
<i>People v. Natalie Thomas</i> (2003-79382) Petit Larceny	Kurt Schrader (assigned by JTH) from 12/23/03	11/13/03-5/21/04	MAL, JTH
<i>People v. Julie T.</i> (2002-73853, sealed) Unauthorized Use Of A Motor Vehicle	Kurt Schrader (assigned by JTH) from 11/12/02	9/3/02-2/14/03	JTH, RCM ² , MAL
<i>People v. Errol A. T.</i> (2003-78134, sealed) Obstructing Governmental Administration, 2 nd	Kurt Schrader (assigned by JTH) from 11/7/03	8/14/03-5/13/04	JTH, RCM ²
<i>People v. Kenyetta L. Turner</i> (2001-67771) Violation Of Conditional Discharge (failure to pay restitution)	Kurt Schrader (assigned by WCP) from 2/3/06	11/20/02-pending ³	MAL, JTH, WCP
<i>People v. Allen T. Waddell</i> (2004-80379) Assault, 3 rd	James Sacco (assigned by DFC) from 8/27/04	3/6/04-1/14/05	JTH, RCM ² , DFC
<i>People v. Allen T. Waddell</i> (2004-80600) Aggravated Unlicensed Operator, 3 rd ; Unlicensed Operation	James Sacco (assigned by DFC) from 8/27/04	3/6/04-1/13/05	MAL, RCM ²

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. Alan (sic) T. Waddell</i> (2004-81428) Loitering	James Sacco (assigned by DFC) from 8/27/04	5/17/04-1/14/05	MAL
<i>People v. Kristopher A. W.</i> (2004-84390, sealed) Assault, 2 nd	Kurt Schrader (assigned by DFC) from 12/28/04	12/27/04-5/10/06	MAL, DFC
<i>People v. Lloyd W. Westbrook</i> (2004-79877) Criminal Mischief, 4 th ; Obstruction Governmental Administration, 2 nd	James Sacco (assigned by MAL) from 1/12/04	12/31/03-3/31/04	MAL, RCM ² , JTH
<i>People v. Charles W.</i> (2003-76325, sealed) Harassment, 2 nd ; Criminal Mischief, 4 th	James Sacco (assigned by MAL) from 8/25/03	3/21/03-10/20/03	MAL
<i>People v. Steven P. W.</i> (2003-76154, sealed) Assault, 2 nd	Kurt Schrader (assigned by JTH) from 3/14/03	3/8/03-8/19/03	RCM ² , MAL
<i>People v. Steven P. Wolcott</i> (2003-76481) Criminal Contempt, 2 nd ; Resisting Arrest	Kurt Schrader (assigned by MAL) from 4/24/03	4/6/03-5/28/03	MAL, RCM ² , JTH
<i>People v. Steven P. Wolcott</i> (2003-76624) Resisting Arrest	Kurt Schrader (assigned by MAL) from 4/28/03	4/23/03-5/28/03	MAL, RCM ² , JTH
<i>People v. Mary Beth Yerdon</i> (T2002-7920) Failure To Yield Right Of Way At Stop Sign (reduced to V&T 1110a)	Kurt Schrader (retained) from 12/27/02	12/16/02-3/27/03	JTH

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Alvin A. Young</i> (2004-83714) Criminal Possession Of Controlled Substance, 3 rd ; Criminal Possession Of Controlled Substance, 5 th	James Sacco (assigned by MAL) from 12/17/04	11/30/04-3/31/05 (Transferred to County Court)	MAL
<i>People v. Alvin Young</i> (2004-83909) Criminal Possession Of Controlled Substance, 1 st	James Sacco (assigned by MAL) from 12/17/04	11/30/04-3/16/05 (Transferred to County Court)	MAL
<u>Civil Cases</u>			
<i>Nour Abdelgelil v. Jill Degroat Banks & Otis Banks</i>	Linda Blom Johnson of Pope, Tait & Murphy for plaintiff	2/4/03-2/27/03	MAL, JTH
<i>America's Business Express v. Allen Pope & O'Connor & Gacioch (and counterclaim)</i>	Alan Pope for defendant	7/14/03-8/14/03	MAL
<i>Binghamton Precast & Supply Corp. v. Brian Hodges et al.</i>	Alan Pope of Pope, Schrader & Murphy for respondents, Jonathan and Michelle Wolbert	1/21/04-9/3/04	settled
<i>Cool 100 WCDW-FM v. Afton Speedway (and counterclaim)</i>	Alan Pope for defendant	12/14/04-3/8/05	WCP
<i>Michael G. Dunlap v. Ina L. Fusco</i>	Linda Blom of O'Connor, Gacioch, Pole & Tait for defendant	1/10/02-1/9/03	JTH
<i>Dan Getter/Direct Discount Auto v. Gilbert A. Adams, Jr.</i>	Kurt Schrader for plaintiff	12/27/05-pending ³	WCP

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u>¹
<i>Dan Getter/Direct Discount Auto v. Patricia Molazena & Ahmet H. Molazem</i>	Kurt Schrader for plaintiff	12/27/05-5/1/06	MAL
<i>Granite Capital Holdings v. Fitzgerald Plumbing and Heating</i>	Alan Pope for defendant	4/25/03-6/24/05	WCP
<i>Frederick Kocan v. Brian Anderson</i>	Kurt Schrader for plaintiff	11/28/05-1/20/06	MAL
<i>Frederick Kocan v. Brian Anderson</i>	Kurt Schrader for plaintiff	1/20/06-pending ³	WCP
<i>Joseph J. Materese v. Town of Union</i>	Alan Pope for defendant	1/12/06-pending ³	Hon. Elizabeth A. Burns assigned 5/2/06
<i>Platinum Financial Services Corp. v. Carol Mikoda</i>	Kurt Schrader for defendant	6/4/02-6/16/03	settled
<i>Pope, Schrader & Murphy, LLP v. Thomas Lancaster</i>	James Sacco for plaintiffs	3/15/05-4/21/05	MAL
<i>Pope, Schrader & Murphy, LLP v. Aaron Lown</i>	Kurt Schrader for plaintiffs	12/5/05-3/29/06	Hon. Elizabeth A. Burns
<i>RPI Construction, Inc. v. A. Anthony Corporation</i>	Alan Pope for defendant	8/3/05-pending ³	MAL, then Hon. Elizabeth A. Burns assigned 1/24/06
<i>Southern Tier Insulation Dist., Inc. v. Monroe Piping & Sheet Metal</i>	Andrea Sarra of O'Connor, Gacioch, Pope & Tait for plaintiff	7/15/03-8/19/03	settled

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>Robert F. Sullivan Trust v. David Ponti</i> (eviction proceeding)	Andrea Sarra of O'Connor, Gacioch, Pope & Tait for petitioner-landlord	2/4/03-3/13/03	JTH
<i>Karen Titus v. McDonald's</i>	Kurt Schrader for plaintiff	5/13/05-7/1/05	MAL sent out notices
<i>United Medical Associates v. Donald Markoff</i>	Kurt Schrader for defendant	12/3/03-3/11/05	MAL
<i>Wilder & Indira Valle v. Dawn Marvin & Emmanuel Martinez</i>	Kurt Schrader for plaintiff	7/20/05-8/19/05	WCP, RCM ²
<i>J. W. Wellman v. Atlas Van Lines</i> (and counterclaim)	Alan Pope for defendant	3/6/03-4/29/04	MAL

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STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

ROBERT C. MURPHY,

a Judge of the Binghamton City Court,
Broome County.

**REQUEST AND AUTHORIZATION BY JUDGE OR JUSTICE FOR
NOTIFICATION TO ATTORNEY OF COMMISSION DETERMINATION**

In the event that a determination of the Commission on Judicial Conduct is made affecting me and requiring transmittal to the Chief Judge and service upon me in accordance with Section 44, subdivision 7, of the Judiciary Law, the undersigned judge or justice:

- (1) requests and authorizes that the Commission transmit the request to the Chief Judge together with the other required papers and
- (2) requests and authorizes the Chief Judge to cause a copy of my notification letter from her and a copy of the determination to be sent to my attorney(s) by mail.

(Name, Address, Tel. No.)

This request and authorization shall remain in force unless and until a revocation in writing by the undersigned judge or justice is received by the Commission.

Dated:

Judge or Justice

Acknowledgment

Attorney(s) for Judge or Justice

1 JULY 28, 2005

2 (Whereupon, an off-the-record discussion was held at the
3 bench between the Court and Mr. Schrader, after which other
4 matters on the Court's calendar were called, thereafter the
5 following proceedings took place before the Court.)

6 THE COURT: Wilder Valle and Indira Valle versus
7 Dawn Marvin and Emmanuel Martinez.

8 MR. SCHRADER: Good morning, Your Honor.

9 THE COURT: Mr. Schrader.

10 MR. SCHRADER: Your Honor, we initiated this
11 proceeding on behalf of Mr. Valle and Mrs. Valle and I
12 indicated to them that I can't --

13 THE COURT: Go forward.

14 MR. SCHRADER: I can't go forward in your presence.
15 At this point I'd make an application to withdraw as
16 counsel and indicate that the respondents have been
17 properly served with a Notice of Petition and do not
18 appear here.

19 THE COURT: All right, at this point in time what
20 I'll do is see what's in the file, but at this point in
21 time if you're withdrawing as counsel I'll accept your
22 withdrawal and, Mr. Valle, apparently you want to -- are
23 asking to go forward?

24 MR. VALLE: Yeah, sure.

25 THE COURT: All right, you're excused, Mr.

1 Schrader.

2 MR. SCHRADER: Thank you very much.

3 THE COURT: Actually, you should probably leave,
4 too.

5 MR. VALLE: The couple that we rent to the
6 apartment --

7 THE COURT: Excuse me, you need to speak up.

8 MR. VALLE: The couple that we rent to the
9 apartment to, they been lacking with the rent for the
10 past four to five months. They had some issues with
11 some problems, I guess, and we had told them because
12 they kept stalling and saying that they were going to
13 get some type of government help so, you know, we
14 proceed month by month and they were only paying like,
15 say, sixty dollars, one hundred dollars of it.

16 THE COURT: Um-hm.

17 MR. VALLE: But what happened was they stopped
18 paying and they wouldn't answer my phone call and I
19 wrote them several times and they wouldn't respond.

20 THE COURT: Um-hm.

21 MR. VALLE: So I had them served two weeks ago for
22 the amount that they owe in a three-day notice.

23 THE COURT: All right.

24 MR. VALLE: And they never replied with the letter.

25 THE COURT: Okay. Dawn Marvin and Emmanuel

1 Martinez. All right, they were noticed to be here at
2 10:00, it is now 10:20. The landlords Wilder or Wilder
3 and Indira Valle are here in the courtroom. I have a
4 Notice of Petition and Petition that has been filed and
5 served personally upon both Dawn and Emmanuel and based
6 upon that what I will do is -- do you have a proposed
7 Warrant of Eviction?

8 MR. WILDER: Yes.

9 THE COURT: You don't apparently have a Warrant of
10 Eviction with you. What I will do is I will sign a
11 Warrant of Eviction that's been submitted to the court.
12 All right, I will sign the Warrant of Eviction if it's
13 submitted to the court and I will enter a Judgment in
14 the amount of \$1,000 --

15 MR. VALLE: I will --

16 THE COURT: Well, let me finish. Based upon the
17 Notice of Petition I will enter judgment in the amount
18 of \$1,695 for non-payment of the rent based on the
19 default of the respondents in this action and if you
20 submit the notice of -- the Warrant of Eviction I'll
21 sign it, like I said, all right. That's it. Have a
22 good day.

23 MS. VALLE: Thank you.

24 (Whereupon, the proceedings were concluded.)

25 * * * * *

1 STATE OF NEW YORK : COUNTY OF BROOME

2 CITY OF BINGHAMTON

3 -----
4 FORTE MANAGEMENT GROUP, LLC,

5 Plaintiff,

6 -vs-

Index No.: C63360

7 JENNIFER BREEZE,

8 Defendant.

9 -----
10 BORIS LANDESBAUM,

11 Plaintiff,

12 -vs-

Index No.: C63361

13 SHAMECIA JORDAN,

14 Defendant.

15 -----
16 Binghamton City Court
17 Binghamton, New York
18 August 23, 2005

19 B I N G H A M T O N C I T Y C O U R T

20 B e f o r e:

21 HONORABLE ROBERT C. MURPHY

22 A p p e a r a n c e s:

23 THOMAS J. DELLAPENNA, JR., Attorney for Plaintiff

24 JAMES MACK, Substituting for Attorney for Plaintiff

25 JENNIFER BREEZE, Defendant

1 THE COURT: Mr. Dellapenna, can you come here?

2 MR. DELLAPENNA: Your Honor, can I approach?

3 THE COURT: Yes.

4 MR. DELLAPENNA: I have two small claims, but
5 I can't (inaudible).

6 THE COURT: Let me see if I can get Judge
7 Pelella to do a cameo appearance.

8 MR. MACK: Either that or I can do it, Judge.
9 I'll do it for him.

10 MR. DELLAPENNA: However you want to proceed.

11 MR. MACK: I'm here on one myself, so it
12 doesn't make any difference to me.

13 THE COURT: I feel intimidated by Mr. Mack.
14 All right. Boris Landesbaum versus Shamecia
15 Jordan.

16 MR. DELLAPENNA: That's one of mine, Judge.

17 THE COURT: All right.

18 MR. DELLAPENNA: Mr. Mack is going to --

19 THE COURT: Mr. Mack, do you want to -- yep.

20 MR. MACK: I'm sorry. Good morning, again,
21 Your Honor.

22 THE COURT: Good morning. Apparently, we have
23 -- I do have a fifteen minute flat tire rule so
24 I'll give Ms. Jordan another few minutes but by the
25 time we do the other couple maybe we'll have --

Forte Management Group v. Jennifer Breeze
and Boris Landesbaum v. Shamecia Jordan

1 MR. MACK: That's fine.

2 THE COURT: -- already served that one.

3 MR. MACK: Okay.

4 THE COURT: What else do you have?

5 MR. MACK: I have Jennifer Breeze, but that's
6 another one that belongs to Forte Management versus
7 Jennifer Breeze.

8 THE COURT: Oh, there it is. Forte Management
9 Group, LLC versus Jennifer Breeze. Do you have
10 another one?

11 MR. MACK: And then I'm here on John Richard
12 versus Patricia Gallogly.

13 (Whereupon, other matters on the Court's calendar
14 were called, after which, the following proceedings
15 took place before the Court.)

16 THE COURT: Next is Boris Landesbaum versus
17 Shamecia Jordan. I take it you're representing Mr.
18 Landesbaum?

19 MR. MACK: Yes, Your Honor.

20 THE COURT: And Shamecia Jordan was noticed to
21 be here at 10:00. It is now 10:26 and she is not
22 in the courtroom. I have a Notice of Petition and
23 Petition having been personally served or actually
24 served by substituted service.

25 MR. MACK: Correct, Your Honor.

1 THE COURT: What I will have to do is no
2 judgment here but --

3 MR. DELLAPENNA: Yes, I understand you'll be
4 issuing a Warrant.

5 THE COURT: Yep. I got a problem here. I
6 guess on both of these files I have notes here.
7 The Affidavit of Service.

8 MR. DELLAPENNA: Um-hm.

9 THE COURT: Rather than being served within
10 one day of the affixing by mail was three days,
11 four days. On the 16th. It looks like they were
12 nailed on the 12th.

13 MR. DELLAPENNA: Within three days of service.

14 THE COURT: It should be one day. What I can
15 do at this point in time is I can keep the file,
16 you know, the same files. You can refile or
17 reserve them again, the same Petition but I don't
18 have jurisdiction without the -- do you see that?

19 MR. DELLAPENNA: Yes, I see. I see it on the
20 Affidavit of Service, okay.

21 THE COURT: All right, so --

22 MR. MACK: I'll explain it to him, Judge.

23 THE COURT: Okay, well, actually, this is
24 what's filed so I can't give it to you.

25 MR. MACK: Yeah, well, I've got the copy that

1 I think I gave you, yeah.

2 THE COURT: Okay.

3 MR. MACK: Thank you, Your Honor.

4 THE COURT: I'm sorry there.

5 (Whereupon, the proceedings were concluded.)

6 * * * * *

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10 C E R T I F I C A T I O N

11
12
13 I, ROXANNE BUSS, Court Reporter and Notary Public
14 in and for the State of New York, do hereby certify that
15 the foregoing is a true and accurate transcript of the
16 recorded proceedings herein at the time and place noted
17 in the heading hereof to the best of my knowledge and
18 belief.

19
20
21 Roxanne Buss

22 Court Reporter

23
24 DATED: November 1, 2006

1 STATE OF NEW YORK : COUNTY OF BROOME
2 CITY OF BINGHAMTON
3 -----

4 THE PEOPLE OF THE STATE OF NEW YORK,
5 Plaintiff,

6 -vs- Docket No.: 2006-89582

7 SCOTT ROBINSON,
8 Defendant.
9 -----

10 Binghamton City Court
11 Binghamton, New York
12 February 25, 2006
13

14 B I N G H A M T O N C I T Y C O U R T
15
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18 B e f o r e:

19 HONORABLE ROBERT C. MURPHY
20

21 A p p e a r a n c e s:

22 SCOTT ROBINSON, Defendant
23
24
25

1 THE COURT: Good morning, Mr. Robinson.

2 MR. ROBINSON: Good morning.

3 THE COURT: You're charged with violation of New
4 York state Penal Law Section 220.39. It is Criminal
5 Sale of Controlled Substance in the Third Degree, which
6 is a Class B Felony. I'll give you a copy of the
7 Complaint. Do you want me to read the Complaint out
8 loud or do you want to waive the reading?

9 MR. ROBINSON: You can read it out loud.

10 THE COURT: Okay, that on the 24th day of February,
11 2006, in the City of Binghamton, Broome County, New
12 York, said defendant did knowingly and unlawfully sell a
13 controlled substance to another person. To wit: said
14 defendant did sell a quantity of a white chunky
15 substance that field tested positive as cocaine to
16 another person for a fee all contrary to the provisions
17 in the statute in such case made and provided.

18 You do have a right to an attorney at all stages of
19 these proceedings, right to an adjournment to retain an
20 attorney. If you so choose and cannot afford an
21 attorney, an attorney will be provided to you by the
22 court through the Public Defender's Office. Would you
23 like the Public Defender?

24 MR. ROBINSON: No, is it possible can you take a
25 plea now?

1 THE COURT: At this point in time you would
2 be -- you would be taking a plea to a Class B Felony. I
3 could sentence you to a Pre-Sentence Investigation. I
4 could take a plea if you so desire, but.

5 MR. ROBINSON: Yes, just go with it, Your Honor.
6 I'm not going to waste no time here.

7 THE COURT: Do you realize by pleading guilty
8 you're waiving your right to a trial?

9 MR. ROBINSON: Yeah.

10 THE COURT: Challenge the prosecution's witnesses?

11 MR. ROBINSON: Yeah.

12 THE COURT: Bring witnesses in your own behalf?

13 MR. ROBINSON: Yeah.

14 THE COURT: And do you realize you're waiving any
15 defenses that you may have?

16 MR. ROBINSON: Yeah.

17 THE COURT: Okay, you also -- no one is compelling
18 you to do this?

19 MR. ROBINSON: No.

20 THE COURT: Okay, you're not under the, you know,
21 drugs or alcohol right now?

22 MR. ROBINSON: No.

23 THE COURT: Okay. And you do realize you do have a
24 right to consult to an attorney prior to doing that?

25 MR. ROBINSON: Yeah.

1 THE COURT: All right. What I'll do at this point
2 in time is I am going to -- I'll accept your plea of
3 guilty. And you're admitting that on the 24th day --
4 I'll allocute to the charge, that on the 24th day of
5 February, 2006, that you did sell a quantity of cocaine
6 in the City of Binghamton and Broome County, New York,
7 is that correct?

8 MR. ROBINSON: Yes.

9 THE COURT: All right, at this point in time what
10 I'll do is enter the plea of guilty to the charge and
11 I'll request a PSI, Pre-Sentence Investigation, and
12 remand you to the Broome County Jail pending sentencing.

13 (Whereupon, the proceedings were concluded.)

14 * * * * *

C E R T I F I C A T I O N

I, ROXANNE BUSS, Court Reporter and Notary Public in
and for the State of New York, do hereby certify that
foregoing is a true and accurate transcript of the recorded
proceedings herein at the time and place noted in the
heading hereof to the best of my knowledge and belief.

Roxanne Buss

Court Reporter

DATED: April 3, 2006

1 STATE OF NEW YORK : COUNTY OF BROOME
2 CITY OF BINGHAMTON
3 -----

4 THE PEOPLE OF THE STATE OF NEW YORK,
5 Plaintiff,

6 -vs-

Docket No.: 2005-87420

7 BRENDAN SULLIVAN,
8 Defendant.
9 -----

10 Binghamton City Court
11 Binghamton, New York
12 August 23, 2005
13
14

15 B I N G H A M T O N C I T Y C O U R T
16
17
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19 B e f o r e:

20 HONORABLE ROBERT C. MURPHY
21

22 A p p e a r a n c e s:

23 BRENDAN SULLIVAN, Defendant
24
25

1 THE COURT: Brendan Sullivan. Mr. Sullivan,
2 here's a copy of your charge. Mr. Sullivan, you're
3 charged in violation of New York State Penal Law
4 Section 165.40, Criminal Possession of Stolen
5 Property in the Fifth Degree, which is a Class A
6 Misdemeanor.

7 You do have a right to a -- do you want me to
8 read the charge out loud?

9 MR. SULLIVAN: I don't care.

10 THE COURT: Excuse me?

11 MR. SULLIVAN: Yes.

12 THE COURT: Okay. Is that on the 23rd day of
13 August, 2005, in the City of Binghamton, Broome
14 County, New York, while on Millard Avenue at Leroy
15 Street in the City of Binghamton, County of Broome,
16 State of New York, Brendan did knowingly possess
17 stolen property with intent to benefit himself or a
18 person other than the owner thereof. The stolen
19 property consisted of a Wilson Hammer tennis racket
20 with case, Audiophase car stereo system faceplate,
21 Eddie Bauer sunglasses with case, sunglasses with
22 brown leather case, and a case containing
23 thirty-six music compact discs.

24 You have a right to an attorney at all stages
25 of these proceedings, a right to an adjournment to

1 obtain an attorney. If you so choose and cannot
2 afford an attorney, an attorney will be provided to
3 you by the court through the Public Defender's
4 Office.

5 Would you like the Public Defender?

6 MR. SULLIVAN: Sure.

7 THE COURT: All right, based upon your request
8 for a Public Defender I'll enter a plea of not
9 guilty on your behalf. Mr. Sullivan, where do you
10 live?

11 MR. SULLIVAN: South Hadley, Massachusetts.

12 THE COURT: And do you attend school?

13 MR. SULLIVAN: I will be in the fall, yes.

14 THE COURT: Where?

15 MR. SULLIVAN: Elms College.

16 THE COURT: Where?

17 MR. SULLIVAN: Elms College.

18 THE COURT: Where is that?

19 MR. SULLIVAN: Chicopee, Mass.

20 THE COURT: What are you doing in Binghamton?
21 Do you have family here? Friends?

22 MR. SULLIVAN: Visiting.

23 THE COURT: Who?

24 MR. SULLIVAN: Friends.

25 THE COURT: So are you going to be a freshman

1 in Elms College?

2 MR. SULLIVAN: Yeah.

3 THE COURT: Who do you live with at South
4 Hadley?

5 MR. SULLIVAN: My parents.

6 THE COURT: Well, Mr. Sullivan, there doesn't
7 seem to be a whole lot holding you here in the City
8 of Binghamton, okay, so it looks like bail is going
9 to be set. Can you give me a reason I shouldn't
10 set bail high so that I can make sure you make it?

11 MR. SULLIVAN: What was that?

12 THE COURT: Is there a reason why I shouldn't
13 set bail very high so I make sure you make it here
14 to court next time? You go to college outside of
15 the State of New York and you live outside of the
16 State of New York and you're visiting unknown
17 friends, okay, --

18 MR. SULLIVAN: When do I have to come back?

19 THE COURT: -- which means to me that you're a
20 high risk that you're not going to come back here
21 the next time you get invited back.

22 MR. SULLIVAN: When do you think that will be?

23 THE COURT: I don't know, I haven't decided
24 that yet.

25 MR. SULLIVAN: Okay.

1 THE COURT: I'm asking for some input from
2 you.

3 MR. SULLIVAN: I will come back.

4 THE COURT: Again, I'm not trying to pass on
5 the truth or falsity of the charge, but. All
6 right, what I'm going to do at this point in time
7 is I'm going to set bail at \$300 cash, \$600
8 property.

9 MR. SULLIVAN: Is there a way that I could not
10 have to come back or do I automatically have to
11 come back?

12 THE COURT: You know, you can look at -- an A
13 misdemeanor can put you in the Broome County Jail
14 for up to one year.

15 MR. SULLIVAN: Okay.

16 THE COURT: Criminal Possession of Stolen
17 Property in the Fifth Degree is what you're being
18 charged with, okay, so you're coming back.

19 MR. SULLIVAN: All right, I was just
20 wondering.

21 THE COURT: You can come back the easy way or
22 the hard way is kind of the situation.

23 MR. SULLIVAN: Okay.

24 THE COURT: All right?

25 MR. SULLIVAN: Yep.

1 THE COURT: I could have set bail higher. I'm
2 taking into consideration that you're a student,
3 but if you don't come back a Warrant will be issued
4 for your arrest and it will be hanging over your
5 head until (inaudible).

6 MR. SULLIVAN: Yep.

7 THE COURT: All right. Again, Mr. Sullivan, I
8 would hope that someone who is attending Elms
9 College would, you know, not passing on the truth
10 or falsity of the charge, would have better
11 judgment than to get tied up with something like
12 this. All right?

13 MR. SULLIVAN: Thank you.

14 (Whereupon, the proceedings were concluded.)

15 * * * * *

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C E R T I F I C A T I O N

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss
Court Reporter

DATED: October 30, 2006

1 STATE OF NEW YORK : COUNTY OF BROOME
2 CITY OF BINGHAMTON

3 -----

4 THE PEOPLE OF THE STATE OF NEW YORK,

5 Plaintiff,

6 -vs-

Docket No.: 2006-89701

7 EDWARD R. BOKAL,

8 Defendant.

9 -----

10 Binghamton City Court
11 Binghamton, New York
12 March 14, 2006

13

14

15 B I N G H A M T O N C I T Y C O U R T

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19 B e f o r e:

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21

HONORABLE ROBERT C. MURPHY

22 A p p e a r a n c e s:

23

24

25

EDWARD BOKUL, Defendant

1 THE COURT: Edward Bokul.

2 THE COURT: Good morning, Mr. Bokul.

3 MR. BOKUL: Good morning.

4 THE COURT: Okay, Mr. Bokul, you're charged with
5 violation of New York State Penal Law Section 145.05,
6 which is Criminal Mischief in the Third Degree, which is
7 a Class E Felony. I'll give you a copy of the charge
8 and the supporting deposition. Do you want me to read
9 that to you or do you want to read it to yourself?

10 MR. BOKUL: You can read it if you'd like to.

11 THE COURT: All right, it is really up to you,
12 actually.

13 MR. BOKUL: (Inaudible.)

14 THE COURT: Okay, all right. On the 8th day of
15 March, 2006, City of Binghamton, Broome County, New
16 York, said defendant when having no right to do so nor
17 any reasonable ground to believe that he has such right
18 intentionally damages property of another person in an
19 amount exceeding \$250. To wit: said defendant did
20 intentionally kick the driver's side rear door of a 2001
21 Mazda, PA registration DVF8296, owned by Robert M.
22 Alfieri, causing a large dent and scratches to the door.

23 Mr. Bokul, you do have a right to an attorney at
24 all stages of these proceedings, right to an adjournment
25 to retain an attorney. If you so choose and cannot

1 afford an attorney, an attorney will be provided to you
2 by the court through the Public Defender's Office.

3 Would you like a Public Defender?

4 MR. BOKUL: Yes, I would.

5 THE COURT: Based upon your request for a Public
6 Defender I'll enter a plea of not guilty on your behalf.
7 This is not your first clambake, Mr. Bokul. You seem
8 to -- when you do you seem to go right to it, don't you.
9 Quick question for you is are you currently employed?

10 MR. BOKUL: Yes.

11 THE COURT: Where?

12 MR. BOKUL: TruGreen LawnCare.

13 THE COURT: And where is that?

14 MR. BOKUL: Johnson City.

15 THE COURT: Is it --

16 MR. BOKUL: It's like off of Main Street.

17 THE COURT: And how long have you been employed
18 there?

19 MR. BOKUL: I start tomorrow.

20 THE COURT: Have you been working the last few
21 months?

22 MR. BOKUL: I was working at NCI up until they were
23 doing cut backs because they were bought out by Verizon.

24 THE COURT: All right, Mr. Bokul, the issue is at
25 this point in time is whether or not to set bail on you,

1 remand you to the Broome County Jail or find something
2 else to deal with. Are you currently on probation?

3 MR. BOKUL: No.

4 THE COURT: You're not?

5 MR. BOKUL: No, sir.

6 THE COURT: All right, I'm not going to pass on the
7 truth or falsity of the charges pending against you
8 today, however, how old are you?

9 MR. BOKUL: Nineteen.

10 THE COURT: Nineteen. At some point in time there
11 becomes a point in our lives when we manage to figure
12 out that destroying other people's property or damaging
13 it is a bad thing. When do you think you hit that?

14 MR. BOKUL: Excuse me?

15 THE COURT: When do you think you hit that point?

16 MR. BOKUL: When do I think I hit the point of
17 doing that or?

18 THE COURT: No, no, no, no, I'm not asking you
19 that. I'm saying do you understand it is not for you to
20 touch anyone else's stuff.

21 MR. BOKUL: Yes, I understand.

22 THE COURT: Since about five years old or so, six?

23 MR. BOKUL: Yes.

24 THE COURT: All right, you're well beyond that, all
25 right? I'm not here busting your chops, I'm just here,

1 you know, it's old, okay.

2 MR. BOKUL: Yes.

3 THE COURT: All right, it's boring. All right?

4 MR. BOKUL: Yes, sir.

5 THE COURT: All right, so I could send you to jail
6 and put the taxpayers, have them spend about three
7 hundred dollars a day for the privilege of doing that or
8 you can go out and get a job and grow up. What do you
9 want to do?

10 MR. BOKUL: Go out and get a job and grow up.

11 THE COURT: Okay, why don't you do that. At this
12 point in time if you come back in front of me again
13 you're going to go to jail just so you know because I
14 recognize you and I don't know why.

15 MR. BOKUL: I know your son.

16 THE COURT: Okay, maybe that's why, okay. All
17 right, but don't, you know -- grow up, all right? All
18 right, at this point in time I'm going to release you in
19 your own recognizance. I'm going to direct that you
20 avoid any violations of the law whatsoever. Do not kick
21 people's doors, all right? All right, that's it, have a
22 good day.

23 MR. BOKUL: Do I have to go over to the Public
24 Defender's?

25 THE COURT: Yeah, go straight to the Public

1 Defender's Office, get an appointment slip and come
2 back, okay. Okay, have a good day.

3 (Whereupon, the proceedings were concluded.)

4 * * * * *

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7 C E R T I F I C A T I O N
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11 I, ROXANNE BUSS, Court Reporter and Notary Public in
12 and for the State of New York, do hereby certify that
13 foregoing is a true and accurate transcript of the recorded
14 proceedings herein at the time and place noted in the
15 heading hereof to the best of my knowledge and belief.
16
17
18

19 Roxanne Buss

20 Court Reporter
21

22 DATED: April 3, 2006
23
24
25

1 STATE OF NEW YORK : COUNTY OF BROOME
2 CITY OF BINGHAMTON
3 -----

4 THE PEOPLE OF THE STATE OF NEW YORK,
5 Plaintiff,

6 -vs-

Docket No.: 2006-89833

7 SCOTT FRIEDMAN,

8 Defendant.
9 -----

10 Binghamton City Court
11 Binghamton, New York
12 March 21, 2006
13

14 B I N G H A M T O N C I T Y C O U R T
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18 B e f o r e:

19 HONORABLE ROBERT C. MURPHY
20

21 A p p e a r a n c e s:

22 SCOTT FRIEDMAN, Defendant
23
24
25

1 THE COURT: Scott Friedman.

2 MR. FRIEDMAN: Good morning.

3 THE COURT: Good morning, Mr. Friedman, how
4 are you doing?

5 MR. FRIEDMAN: Okay.

6 THE COURT: Mr. Friedman, you've been charged
7 in violation of New York State Vehicle and Traffic
8 Law Section -- or the following violations of New
9 York Vehicle and Traffic Law Sections, 1192.3,
10 Driving While Intoxicated, which is a Class E
11 Felony. You've also been charged with a violation
12 of Section 1163A of the Vehicle and Traffic Law,
13 Deviating From a Straight Course, and you do have a
14 right to -- and I'll give you a copy of those
15 charges.

16 You do have a right to an attorney at all
17 stages of these proceedings, a right to an
18 adjournment to obtain an attorney. If you so
19 choose and cannot afford an attorney, an attorney
20 will be provided to you by the Court through the
21 Public Defender's Office. Would you like a Public
22 Defender?

23 MR. FRIEDMAN: No, I'd like to obtain my own
24 attorney.

25 THE COURT: Okay, do you want me to actually

1 read the charge out loud, the Felony DWI?

2 MR. FRIEDMAN: Excuse me?

3 THE COURT: Do you want me to read the Felony
4 DWI charge out loud?

5 MR. FRIEDMAN: Um.

6 THE COURT: Or you can waive the reading.

7 MR. FRIEDMAN: I can read it.

8 THE COURT: Okay, all right, so I'll waive the
9 reading. Again, you do have a right -- would you
10 like the Public Defender?

11 MR. FRIEDMAN: Excuse me?

12 THE COURT: Would you like the Public Defender

13 or are you going to get your own attorney?

14 MR. FRIEDMAN: I'm going to have my own.

15 THE COURT: Do you know who that is?

16 MR. FRIEDMAN: Remy Perot.

17 THE COURT: All right, based upon that I'll
18 enter a plea of not guilty on your behalf. I need
19 a letter from Remy Perot within one week of today's
20 date. And you live at One Andrea Drive, Vestal,
21 New York?

22 MR. FRIEDMAN: Yes, sir.

23 THE COURT: Okay, are you currently employed?

24 MR. FRIEDMAN: Yes.

25 THE COURT: Where at?

1 MR. FRIEDMAN: I work with my neighbor doing
2 construction. I'm actually applying for a state
3 job at Broome Developmental. I'm actually waiting
4 to take the test. I'm just doing odds and end jobs
5 for now.

6 THE COURT: Do you have your license with you
7 right now?

8 MR. FRIEDMAN: Yes.

9 THE COURT: I'm going to suspend your license
10 based on the nature of your refusal, I have an
11 affidavit from the officer who issued the ticket
12 stating that you did refuse, there will be a
13 hearing on April 10, 2006, at one p.m. at the State
14 Office Building in regard to that suspension. This
15 is of a conditional driver's license apparently as
16 well.

17 MR. FRIEDMAN: Is there a way that I can get
18 off from that for like five days so that I can get
19 some work? There's no way that you cannot suspend
20 it for five days?

21 THE COURT: No, at this point, sir, being that
22 your last conviction was on the October 5th, I'm
23 deciding whether or not I'm going to send you to
24 jail right now, okay, so what I have concerns about
25 to be perfectly honest with you is your ability to

1 stay out of trouble and such that you won't be
2 rearrested for some other charge or injure somebody
3 in the process.

4 Is that something that I need to be worrying
5 about?

6 MR. FRIEDMAN: No, sir.

7 THE COURT: Okay, you should have been able to
8 say that, probably a week ago you should have been
9 able to say that, shouldn't you have? So you say
10 you're working construction?

11 MR. FRIEDMAN: Yes.

12 THE COURT: With your neighbor?

13 MR. FRIEDMAN: Yes.

14 THE COURT: He'll probably give you a ride,
15 correct?

16 MR. FRIEDMAN: No, I'm the one with the car
17 but that's okay. I'll have to do it.

18 THE COURT: Well, you may have the car, he may
19 have the license, all right. You cannot drive, do
20 you understand that?

21 MR. FRIEDMAN: Yes, sir.

22 THE COURT: Because if you do drive you'll be
23 in a misdemeanor faster than will make your head
24 spin, okay?

25 MR. FRIEDMAN: Yes, sir.

1 THE COURT: And then I will put you in jail,
2 okay?

3 MR. FRIEDMAN: I understand.

4 THE COURT: All right? All right, at this
5 point in time what I am going to do is do you live
6 with your family or by yourself?

7 MR. FRIEDMAN: I live with my cousin.

8 THE COURT: I'm going to release you in your
9 own recognizance. I'm going to direct that you
10 avoid any violations of the law whatsoever. If you
11 do get into a car and you are stopped and you come
12 in front of me, you will go to jail, do you
13 understand that?

14 MR. FRIEDMAN: Yes.

15 THE COURT: That's a promise, all right?

16 MR. FRIEDMAN: Yes.

17 THE COURT: So your license is suspended, act
18 like it, okay?

19 MR. FRIEDMAN: Yes.

20 THE COURT: All right.

21 MR. FRIEDMAN: What date am I supposed to come
22 back?

23 THE COURT: Excuse me?

24 MR. FRIEDMAN: What date am I supposed to come
25 back?

1 THE COURT: You will have one week from today
2 to provide a letter of representation from Mr.
3 Perot.

4 COURT CLERK: (Inaudible.)

5 THE COURT: I'm sorry, I'm sorry.

6 COURT CLERK: (Inaudible.)

7 THE COURT: Okay, sorry, yep. All right,
8 that's it. Why don't you have a seat and I'll give
9 you a copy of this, all right?

10 (Whereupon, the proceedings were concluded.)

11 * * * * *

C E R T I F I C A T I O N

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss

Court Reporter

DATED: October 31, 2006

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

-vs-

Docket No.: 2006-89811

GERARDO VALDES,
Defendant.

Binghamton City Court
Binghamton, New York
March 21, 2006

B I N G H A M T O N C I T Y C O U R T

B e f o r e:

HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s:

GERARDO VALDES, Defendant

1 THE COURT: All right, Gerardo Valdes. Good
2 morning, Mr. Valdes. How are you doing?

3 MR. VALDES: Good morning, Judge, how are you
4 doing?

5 THE COURT: Mr. Valdes, you've been charged
6 with three violations of New York State Penal Law.
7 First, violation of Section 205.30, Resisting
8 Arrest, which is a Class A Misdemeanor, violation
9 of Section 190.25, Subdivision 1, Criminal
10 Impersonation in the Second Degree, which is a
11 Class A Misdemeanor, and violation of section
12 Binghamton Local Law 14-38, which is a violation.

13 I'm not passing on the truth or falsity of the
14 charges but that's snatching defeat from the jaws
15 of victory there, Mr. Valdes.

16 MR. VALDES: Um-hm.

17 THE COURT: All right. You do have a right to
18 an attorney at all stages of these proceedings,
19 right to an adjournment to obtain an attorney. If
20 you so choose and cannot afford an attorney, an
21 attorney will be provided to you by the court
22 through the Public Defender's Office. Would you
23 like the Public Defender?

24 MR. VALDES: Yes, sir.

25 THE COURT: All right, based upon your request

1 for a Public Defender I'll enter a plea of not
2 guilty on your behalf. Based on the natures of the
3 charges, Resisting Arrest and Criminal
4 Impersonation, A Misdemeanors, I have to decide
5 whether or not to set bail on you or find some
6 other solution. You live at 15 Munsell Street?

7 MR. VALDES: Yeah.

8 THE COURT: How long have you lived at 15
9 Munsell?

10 MR. VALDES: I've been there like two months
11 now.

12 THE COURT: How long have you lived in the
13 Binghamton area, Broome County?

14 MR. VALDES: Going on sixteen years.

15 THE COURT: Sixteen years?

16 MR. VALDES: Yeah.

17 THE COURT: All right. Your date of birth
18 is -- what year were you born, '81?

19 MR. VALDES: Yeah.

20 THE COURT: So you are twenty-five years old?

21 MR. VALDES: Um-hm.

22 THE COURT: All right, Mr. Valdes, I have to
23 decide whether or not you're going to show up in
24 court. I have to decide whether or not to set bail
25 on you. Is there a reason why you wouldn't show up

1 in court?

2 MR. VALDES: Well, I show up in court every
3 time.

4 THE COURT: Okay, you haven't been charged
5 with any other -- is there any other thing that I
6 need to worry about at this point in time?

7 MR. VALDES: No, sir.

8 THE COURT: Are you currently employed?

9 MR. VALDES: I applied to a few places. I'm
10 waiting to get called (inaudible).

11 THE COURT: Excuse me?

12 MR. VALDES: I went for my phone.

13 THE COURT: You went?

14 MR. VALDES: Oh, I went --

15 THE COURT: For a call from someone?

16 MR. VALDES: Yeah, they're going to give me a
17 (inaudible).

18 THE COURT: Um-hm.

19 MR. VALDES: So I'm just waiting for them to
20 call me so I can be interviewed and get a drug test
21 and all that (inaudible).

22 THE COURT: And where else? You wouldn't just
23 apply to one place for a job, would you?

24 MR. VALDES: No, no, and right over here on
25 Front Street where the place work with the old

1 people and all of that.

2 THE COURT: Um-hm.

3 MR. VALDES: And I applied to McDonald's.

4 THE COURT: Are these the only charges that
5 you have pending against you, Mr. Valdes?

6 MR. VALDES: Well, I got -- I had a ticket in
7 Binghamton like a few weeks ago.

8 THE COURT: Um-hm.

9 MR. VALDES: That was it.

10 THE COURT: All right, Mr. Valdes, you're
11 twenty-five years old.

12 MR. VALDES: Um-hm.

13 THE COURT: At this point in time I kind of
14 expect, again, I'm not passing on the truth or
15 falsity of the charge, but this is taking something
16 that was very little into something that was very
17 big, okay, all right, so I'm hoping at this point
18 in time that we all -- everyone can learn from the
19 situation.

20 I'm going to release you in your own
21 recognizance --

22 MR. VALDES: Okay.

23 THE COURT: -- at this point in time. Now,
24 the fact of the matter is that I'm concerned about
25 you showing up in court. Is there some underlying

1 issue that's making you use bad judgment? Do you
2 think there's problems with drugs and alcohol --

3 MR. VALDES: Yeah.

4 THE COURT: -- that might be not making you
5 compute?

6 MR. VALDES: Yeah, I've got a problem with
7 drugs.

8 THE COURT: Okay, do you think you might want
9 to get that counseling before you show up in court
10 on these two Class A Misdemeanors? It might be a
11 good idea, all right?

12 Again, I'm not passing on the truth or falsity
13 of the charges, but you can address the problems on
14 your own, which is the best way of doing it, or you
15 can wait until some judge kicks you, okay, which is
16 not the best way of doing it.

17 Mr. VALDES: Okay.

18 THE COURT: But I'm guessing looking at this
19 situation and looking at you right now is that
20 there is some issues going on, all right?

21 MR. VALDES: Yeah.

22 THE COURT: Take care of it, all right?

23 MR. VALDES: Thank you.

24 THE COURT: All right, take care. Have a good
25 day.

(Whereupon, the proceedings were concluded.)

* * * * *

C E R T I F I C A T I O N

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
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Roxanne Buss

Court Reporter

DATED: October 31, 2006

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

-vs-

Docket No.: 2006-90101

D. [REDACTED]
Defendant.

Binghamton City Court
Binghamton, New York
April 14, 2006

B I N G H A M T O N C I T Y C O U R T

B e f o r e:
HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s:
D. [REDACTED], Defendant

1 THE COURT: D [REDACTED]. Good morning, [REDACTED]
2 [REDACTED] how are you doing?
3 [REDACTED]: I'm good.
4 THE COURT: All right, [REDACTED] you're
5 charged with two violations of the New York State
6 Penal Law. First, violation of Section 240.26,
7 Subdivision 1, Harassment in the Second Degree,
8 which is a violation, and also violation of Section
9 260.10, Subdivision 1, Endangering the Welfare of a
10 Child, which is a Class A Misdemeanor. I'll give
11 you copies of both charges.
12 All right, do you want me to read the charges
13 out loud or do you want to waive the reading?
14 [REDACTED]: (Inaudible.)
15 THE COURT: Do you want me to read them out
16 loud or do you want to read them yourself?
17 [REDACTED]: I'll read them myself.
18 THE COURT: All right. You do have a right to
19 an attorney at all stages of these proceedings,
20 right to an adjournment to obtain an attorney. If
21 you so choose and cannot afford an attorney, an
22 attorney will be provided to you by the court
23 through the Public Defender's Office. Would you
24 like a Public Defender?
25 [REDACTED]: Yes.

1 THE COURT: All right, based upon your request
2 for a Public Defender I'll enter a plea of not
3 guilty on your behalf. And I have to decide
4 whether or not to set bail on you or remand you to
5 the Broome County Jail.

6 [REDACTED]: Excuse me?

7 THE COURT: Um-hm.

8 [REDACTED]: Can I say something?

9 THE COURT: Well, I'm just going to caution
10 you that you are being recorded so anything that
11 you say may be used against you so if you'd like to
12 say something, go ahead.

13 [REDACTED]: So far as me fighting that girl, I
14 don't remember me hitting no kid and I know that
15 that's not true for a fact.

16 THE COURT: Okay, well that's -- -- I'm
17 not -- here's the situation and I have to decide
18 whether or not to set bail on you and based on the
19 fact of the incident. Where do you live?

20 [REDACTED]: I live at [REDACTED]

21 THE COURT: How long have you lived at [REDACTED]

22 [REDACTED]:

23 [REDACTED]: For about thirty days.

24 THE COURT: Thirty days, okay. Where did you
25 live prior to [REDACTED]?

1 [REDACTED] Excuse me?

2 THE COURT: Where did you live prior to Beman
3 Street?

4 [REDACTED]
5 THE COURT: Okay, how long have you lived in
6 the Binghamton area?

7 [REDACTED] About six, seven years.

8 THE COURT: Six or seven years. Do you have
9 family up here?

10 [REDACTED]: Yes.

11 THE COURT: Who?

12 [REDACTED]: [REDACTED] which is my mother.

13 [REDACTED], which is my stepfather. My brother,

14 [REDACTED] and my sister, [REDACTED].

15 THE COURT: And you are seventeen years old?

16 [REDACTED] No, I'm sixteen.

17 THE COURT: Sixteen. But you're older than
18 about six or seven, right?

19 [REDACTED]: Excuse me?

20 THE COURT: You're about ten years older than
21 six or seven years old, right? I'm not passing on
22 the truth or the falsity of the charge but I would
23 expect that a sixteen year old woman would start to
24 try to start acting like that.

25 [REDACTED] Excuse me?

1 THE COURT: Yeah.
2 [REDACTED] I don't understand what you're
3 saying.
4 THE COURT: You're being charged.
5 [REDACTED] Um-hm.
6 THE COURT: Just so you understand.
7 [REDACTED]: Um-hm.
8 THE COURT: With getting into a fisticuffs
9 involving somebody holding a baby, okay, so those
10 are the charges, all right? I have to decide
11 whether or not you are going to make it to court,
12 okay. Based on that I have to decide whether your
13 mature enough that I can trust you to do that.
14 [REDACTED] Yes, I can.
15 THE COURT: Okay, based on what these
16 allegations are I wonder whether you are.
17 [REDACTED] I'll definitely come back to court.
18 THE COURT: Well, if you can definitely come
19 back to court then can I rely upon you not to get
20 into fights with anyone --
21 [REDACTED]: Yes.
22 THE COURT: -- especially people holding
23 babies for the next thirty days or so?
24 [REDACTED] Yes.
25 THE COURT: Is that a hard thing to figure

1 out?

2 [REDACTED] No.

3 THE COURT: Okay. Did your grandmother teach
4 you that?

5 [REDACTED] No.

6 THE COURT: Mother?

7 [REDACTED] No.

8 THE COURT: No one taught you that?

9 [REDACTED] No.

10 THE COURT: Do you kind of know that in your
11 bones?

12 [REDACTED] Yes.

13 THE COURT: Okay, so somebody taught you that.
14 All right. So who do you live with?

15 [REDACTED] I live with my boyfriend's mother
16 right now, but I'm moving back with my mother who
17 spoke with my stepfather today but then the cops
18 came and got me. She was supposed to pick me up
19 around one or two o'clock to take me --

20 THE COURT: Do you go to school?

21 [REDACTED] Yes, I'm going to be attending a
22 job corp. I got a tour on April 20th, which is
23 Thursday coming up.

24 THE COURT: My concern is that based on the
25 allegations and I'm looking at you, the impression

1 that I'm getting from you is that you don't really
2 think this is a very serious situation.

3 [REDACTED] Yes, I --

4 THE COURT: And it makes me feel that you may
5 not show up in court.

6 [REDACTED] That's my word, I promise that I
7 will show up in court. I promise. I will give you
8 the names and addresses that I would be at.

9 THE COURT: Where are you moving to?

10 [REDACTED] Excuse me?

11 THE COURT: Where are you moving to?

12 [REDACTED] My mom is getting an apartment in
13 Endicott. She's staying at the shelter in Endicott
14 by Wendy's, right across the street from Endicott
15 -- she's getting --

16 THE COURT: So you don't know the address
17 you're going to be at?

18 [REDACTED] No, but I have -- I definitely have
19 the number and I can give you the address when we
20 move. It's 607-754 --

21 THE COURT: What is this, the phone number?

22 [REDACTED] Yes, to where she's staying at. It
23 is like a shelter until she gets an apartment,
24 which will be hopefully by the first. My mom told
25 me any time I need to get there to call a cab

1 and --

2 THE COURT: Do you think there's any
3 underlying issues you need to resolve before your
4 next court appearance? I want you to think about
5 that. If there's something -- if there's something
6 burning in you that you need to take care of I
7 would suggest that you take care of that, whether
8 it's getting some counseling, whether -- whether
9 it's any substance abuse or any issues like that
10 that are out there, all right, because the
11 behavior -- again, I'm not passing on the truth or
12 the falsity of the charge, but the behavior that's
13 alleged is not something a rationale person does,
14 all right? Do you understand that? Do you
15 understand what I'm saying?

16 [REDACTED] Yes, um, I have a question.

17 THE COURT: Go ahead.

18 [REDACTED] Speaking of the counseling, where
19 can I actually go to to get myself some counseling?

20 THE COURT: Well, you can probably talk to the
21 Public Defender you're being assigned to on that.
22 That would probably be a step ahead.

23 [REDACTED]: Okay.

24 THE COURT: And if Ms. Ponte asks me for an
25 Order of Protection I would grant it, do you

1 understand that?

2 [REDACTED] Um-hm.

3 THE COURT: What I'm going to do is I'm going
4 to release you to the -- are you on Probation or
5 Parole?

6 [REDACTED] No.

7 THE COURT: This is your first charge?

8 [REDACTED] Yes.

9 THE COURT: You know the next time you come
10 back to court it won't be your first charge and
11 that you'll probably go to jail. Not probably, if
12 you come in front of me you'll definitely go to
13 jail, do you understand that?

14 [REDACTED] Um-hm.

15 THE COURT: So if you were to go out here and
16 give Ms. Ponte or Ms. -- or anyone else a hard time
17 and you came in front of me, your next stop is the
18 Broome County Jail, do you understand that?

19 [REDACTED] Yes.

20 THE COURT: All right, I just want to be clear
21 with you, okay, because if you come in front of me,
22 I don't want any tears about going to jail, all
23 right? All right, at this point in time I'm going
24 to release you to the pre-trial release program and
25 to serve as a reminder to you to make your court

1 appearances. If you fail to do that, if you fail
2 to maintain contact with the folks at the pre-trial
3 release program --

4 [REDACTED] Um-hm.

5 THE COURT: -- you will go to jail, okay, so
6 you got to start thinking beyond whatever --
7 whatever is in front of you, all right. All right,
8 that's it.

9 (Whereupon, the proceedings were concluded.)

10 * * * * *

C E R T I F I C A T I O N

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss
Court Reporter

DATED: Octobber 31, 2006

1 STATE OF NEW YORK : COUNTY OF BROOME
2 CITY OF BINGHAMTON
3 -----

4 THE PEOPLE OF THE STATE OF NEW YORK,
5 Plaintiff,

6 -vs-

Docket No.: 2006-90178

7 KYLE BIDWELL,

8 Defendant.
9 -----

10 Binghamton City Court
11 Binghamton, New York
12 April 14, 2006
13

14 B I N G H A M T O N C I T Y C O U R T
15
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18 B e f o r e:

19 HONORABLE ROBERT C. MURPHY.
20

21 A p p e a r a n c e s:

22 KYLE BIDWELL, Defendant
23
24
25

1 THE COURT: Kyle Bidwell. Good morning, Mr.
2 Bidwell.

3 MR. BIDWELL: Hello.

4 THE COURT: Okay, Mr. Bidwell, you're charged
5 with violation of, well, two things. First of all,
6 there's a Warrant issued for your arrest.
7 Actually, how old are you?

8 MR. BIDWELL: Twenty.

9 THE COURT: Actually, at this point in time
10 I'll -- take this. I have a Warrant issued for
11 your arrest by Judge Lehmann on February 24, 2006,
12 apparently for your failure to appear in court as
13 directed. That's apparently to deal with a
14 surcharge letter. I do have a Warrant for your
15 arrest issued yesterday, I mean, well -- a
16 Misdemeanor Information for your -- a charge of
17 False Personation in violation of Section 190.23,
18 False Personation, which is a Class B Misdemeanor.
19 Do you want me to read the charge out loud or do
20 you want to waive the reading?

21 MR. BIDWELL: I'll waive the reading.

22 THE COURT: All right. You do have a right to
23 an attorney at all stages of these proceedings,
24 right to an adjournment to obtain an attorney. If
25 you so choose and cannot afford an attorney an

1 attorney will be provided to you by the court
2 through the Public Defender's Office. Would you
3 like a Public Defender?

4 MR. BIDWELL: Yes.

5 THE COURT: All right, based upon your request
6 for a Public Defender I'll refer you to the Public
7 Defender's Office, enter a plea of not guilty in
8 your behalf. Is there a reason why you didn't show
9 up in court for Judge Lehmann?

10 MR. BIDWELL: No, I just totally forgot about
11 it. I thought it was actually in May.

12 THE COURT: Excuse me?

13 MR. BIDWELL: I thought it was in May. I just
14 mixed up the dates. That was my fault.

15 THE COURT: You thought it was in May?

16 MR. BIDWELL: Yes.

17 THE COURT: Versus February.

18 MR. BIDWELL: Um-hm.

19 THE COURT: I appreciate your candor, but how
20 old are you?

21 MR. BIDWELL: Twenty.

22 THE COURT: Do you know how to operate a
23 calendar?

24 MR. BIDWELL: Yes.

25 THE COURT: Is there a reason why you didn't

1 operate a calendar?

2 MR. BIDWELL: No, I just -- I don't know.

3 THE COURT: Where do you live?

4 MR. BIDWELL: Three Chadwick Road.

5 THE COURT: Who do you live there with?

6 MR. BIDWELL: My parents.

7 THE COURT: All right, so how much is -- how
8 much of the fine and the surcharge have you paid?

9 MR. BIDWELL: None of it yet.

10 THE COURT: None of it?

11 MR. BIDWELL: No.

12 THE COURT: From August?

13 MR. BIDWELL: Yeah, I get paid tomorrow and
14 that's when I was planning on making my first
15 payment.

16 THE COURT: You know that's a hard sell.

17 MR. BIDWELL: Yeah, I understand.

18 THE COURT: Because you're probably saying
19 that because you're sitting here in handcuffs in
20 front of me, it is not because you were probably
21 planning on making your first payment tomorrow.

22 MR. BIDWELL: Today when I get paid.

23 THE COURT: I understand that but you've had a
24 lot of other paydays between August 19, 2005, and
25 today.

1 MR. BIDWELL: Yes.

2 THE COURT: And there's probably not a good
3 reason why you didn't make it there.

4 MR. BIDWELL: Well, I was out of work for a
5 few weeks.

6 THE COURT: Okay, so I'll give you three of
7 those weeks, okay? All right?

8 MR. BIDWELL: Yes.

9 THE COURT: So now what are we doing?

10 MR. BIDWELL: I'm going to make my first
11 payment today when I get my check.

12 THE COURT: Well, the other thing is you're
13 going to pay in a \$500 chunk, \$185 chunk, okay.

14 MR. BIDWELL: Um-hm.

15 THE COURT: There's not a payment plan that
16 you can deal with.

17 MR. BIDWELL: I can pay off the \$185 first.

18 THE COURT: And so to be perfectly honest with
19 you, if you had just come in at any time because
20 you probably got an appearance letter --

21 MR. BIDWELL: Yes, I did.

22 THE COURT: -- if you come in at any time and
23 say I know there's a Warrant out, do you know what,
24 you wouldn't be sitting here in handcuffs in front
25 of me right now.

1 MR. BIDWELL: I understand that.

2 THE COURT: So when you -- were you kind of
3 sticking your head in the sand?

4 MR. BIDWELL: Huh?

5 THE COURT: Were you sticking your head in the
6 sand rather than facing your problems?

7 MR. BIDWELL: Yes.

8 THE COURT: And what did that get you?

9 MR. BIDWELL: This right here.

10 THE COURT: Does it feel good?

11 MR. BIDWELL: No, not at all, especially not
12 for my parents.

13 THE COURT: Well, I suspect that you have
14 some, you know, the underlying charge is a -- is a
15 plea of guilty to a violation of Section 1192.2,
16 which is Blood Alcohol Content .08 or more,
17 correct? So you probably had friends with you when
18 you were drinking, is that right?

19 MR. BIDWELL: Yes.

20 THE COURT: Do you want to turn around and see
21 if you see any of those friends here today?

22 MR. BIDWELL: No.

23 THE COURT: Turn around.

24 MR. BIDWELL: No, there's not.

25 THE COURT: I want you to look, all right.

1 MR. BIDWELL: I did look.

2 THE COURT: Visually, all right. Not a one,
3 okay.

4 MR. BIDWELL: Um-hm.

5 THE COURT: Are they here for you right now?

6 MR. BIDWELL: No.

7 THE COURT: Who is here for you right now?

8 MR. BIDWELL: My parents.

9 THE COURT: Okay. It's Easter weekend, too,
10 isn't it? Okay. Again, I'm not here to -- I'm not
11 here to throttle you down here or anything like
12 that, but the bottom line is that there's some
13 issues here that don't seem to be getting
14 addressed. If I look at your -- this is not your
15 first time that you've been charged with something
16 and you got a DWI here, you got a Petit Larceny and
17 just knocked down from a Grand Larceny and it has
18 all of the ear marks of somebody that's got some
19 issues that need to be addressed, whether it's
20 controlled substances, marijuana, cocaine, alcohol,
21 it's all pretty much the same or something else,
22 all right, so I'm just telling you that's what it's
23 screaming to me right now, all right.

24 I have to decide whether or not to set bail on
25 you. I do recognize that you are here. Your

1 friends aren't here, but your parents are, all
2 right, which goes in your favor. The fact that you
3 didn't show up, I have to decide whether or not to
4 set bail on you at this point in time in which case
5 you could be processed out of the Broome County
6 Jail. Is that something that you think I need to
7 do?

8 MR. BIDWELL: No, I don't.

9 THE COURT: Well, why don't I need to do that?

10 MR. BIDWELL: Because I learned from this
11 right now that I will pay -- I will make the first
12 payment today and get the money as quick as I can
13 to pay it off.

14 THE COURT: Um-hm.

15 MR. BIDWELL: To get this put behind me.

16 THE COURT: All right. You've also been
17 charged with False Personation.

18 MR. BIDWELL: Um-hm.

19 THE COURT: Which is the kind of charge that
20 shows an attempt to evade or not make -- deal with
21 legal process, all right, so it's very easy for a
22 Judge in that situation just to say, do you know
23 what, you're not working with us, we are not
24 working with you, which means that you go to jail.
25 So what -- do you work?

1 MR. BIDWELL: Yes.

2 THE COURT: Where at?

3 MR. BIDWELL: I'm a cook at Hooter's and I'm
4 going to be starting a second job at Nirchi's.

5 THE COURT: At Nirchi's?

6 MR. BIDWELL: Yes.

7 THE COURT: And how many hours do you work?

8 MR. BIDWELL: At Hooter's I work about thirty-
9 two and at Nirchi's I'm going to be working in the
10 morning.

11 THE COURT: Have you gone to school, going to
12 school, thinking about school?

13 MR. BIDWELL: I went to school for a little
14 while.

15 THE COURT: Um-hm.

16 MR. BIDWELL: And then I dropped out and I'm
17 thinking about picking back up for Marine Biology.

18 THE COURT: Marine Biology, all right.

19 MR. BIDWELL: Yes.

20 THE COURT: And did you finish high school?

21 MR. BIDWELL: Yes.

22 THE COURT: How did you do in high school?

23 MR. BIDWELL: Pretty good, I was a good
24 student.

25 THE COURT: Okay, so do you want to -- do you

1 want to be a chef at Hooter's or Nirchi's, which is
2 a perfectly fine thing to do as long as you're
3 happy with it.

4 MR. BIDWELL: (Inaudible.)

5 THE COURT: What?

6 MR. BIDWELL: I want to do something else with
7 my life.

8 THE COURT: All right, and that may be why
9 you're doing some other stuff, all right, so think
10 about that. If it's not something that's really
11 kind of engaging all of your engines, you know, you
12 may not be happy with yourself, all right. If you
13 love cooking it's a great thing to do, I'm not
14 saying, you know, I worked as a chef myself, so,
15 all right?

16 MR. BIDWELL: Um-hm.

17 THE COURT: But if that's not what you want to
18 do then you might want to think about applying
19 yourself a little bit more and avoiding some of the
20 problems. I'm not comfortable releasing you right
21 now, though, because I think you're just going to
22 get in more trouble.

23 MR. BIDWELL: I won't, sir, I have to work
24 this whole weekend anyway, so, I'm just going to be
25 laying low until I pay these fines off.

1 THE COURT: Well, I know the restaurant
2 business is a good business for somebody whose got
3 a controlled substance abuse problem. It's late
4 nights, closing up, having drinks as people are
5 closing up, talking, going out and partying, all
6 right? Am I close to the numbers there or?

7 MR. BIDWELL: Yes.

8 THE COURT: All right, so what you need to
9 start thinking about doing is avoiding the people
10 and places and things that might get you into a
11 jackpot, all right?

12 MR. BIDWELL: Um-hm.

13 THE COURT: Maybe get some counseling.

14 MR. BIDWELL: Um-hm.

15 THE COURT: I'll tell you what I'm thinking
16 right now is that if you were to get counseling I
17 might be willing to not set bail on you right now
18 and you can go home, all right?

19 MR. BIDWELL: I will get counseling then.

20 THE COURT: What?

21 MR. BIDWELL: I will get counseling.

22 THE COURT: All right. And other various
23 places and other various places where people can go
24 and I've personally observed it where they can just
25 go and they don't deal with it, they go and they

1 tell their counselors they do what they need to do
2 to either screw the test up or avoid the tests, all
3 right, and a lot of those places won't do it. I
4 know a couple of places that do take care of things
5 and will address the underlying issues. Do you
6 realize it can be a pretty expensive process?

7 MR. BIDWELL: Yes.

8 THE COURT: All right, so you have to commit
9 to it.

10 MR. BIDWELL: Um-hm.

11 THE COURT: Do you think you're willing to
12 commit to that?

13 MR. BIDWELL: Yes, because I want to change.

14 THE COURT: You want to keep coming --

15 MR. BIDWELL: No.

16 THE COURT: -- and having Judges that don't
17 know you sit there and lecture you?

18 MR. BIDWELL: Not at all.

19 THE COURT: It's kind of a drag, isn't it? I
20 mean, I know I wouldn't want it, all right.

21 All right, I'll tell you what I'm going to do
22 at this point in time. I don't know if Kyle is
23 still on your insurance plan or anything like that
24 or whether he is or is not.

25 MS. BIDWELL: Yes, he is.

1 THE COURT: And if there is any programs that
2 would be covered by your plan that you're familiar
3 with. Are you or --

4 MS. BIDWELL: Yes.

5 MR. BIDWELL: There are plans that will take
6 our insurance, yes.

7 THE COURT: And where do you work?

8 MS. BIDWELL: Lourde's Center For Oral Health
9 right here in Binghamton.

10 THE COURT: And there are programs there?

11 MS. BIDWELL: Yes, we have an excellent
12 program.

13 THE COURT: Okay, that's the program on Main
14 Street?

15 MS. BIDWELL: Yes.

16 THE COURT: I mean, not Main Street.

17 MS. BIDWELL: On Front Street.

18 THE COURT: Front Street, okay. All right,
19 and you think you can have him get into that
20 program?

21 MS. BIDWELL: Yes, I can. Kyle, are you
22 willing?

23 MR. BIDWELL: Um-hm.

24 THE COURT: Is that something that you're
25 willing to do? Is that a yes?

1 MR. BIDWELL: Yes.

2 THE COURT: All right, here's the condition.
3 This is going to be my condition as far as
4 releasing you today is I'm going to release you at
5 this point in time conditioned upon your obtaining,
6 getting -- signing up for that program as soon as
7 you can no greater than one week. Do you have a
8 phone?

9 MR. BIDWELL: Yes, 722 --

10 THE COURT: 722.

11 MR. BIDWELL: 6973.

12 THE COURT: 6973. Is that a home phone number
13 or cellphone?

14 MR. BIDWELL: That's cellphone.

15 THE COURT: All right. I am going to call.
16 Today is the 14th, I'm going to call on the -- I'm
17 going to call on the 21st, which is next Friday,
18 and by that time even with Easter weekend you
19 should be able to have had an answer for me as to
20 where you're -- where you are within that program
21 as far as signing up and where that is. Is that
22 something that's doable?

23 MR. BIDWELL: Yes.

24 THE COURT: I know it's doable.

25 MR. BIDWELL: Yes.

1 THE COURT: I'm saying are you willing to do
2 it?

3 MR. BIDWELL: I'll do it first thing Monday
4 morning.

5 THE COURT: All right, and it might be
6 Tuesday, then I want you at that point in time to
7 contact the court and inform the court. This is
8 you, this is not anyone else. This is not
9 something I expect your mother to do or anyone else
10 to do as far as that goes. You're twenty years
11 old, it is grow up time, all right.

12 MR. BIDWELL: Um-hm.

13 THE COURT: You can grow up, you know, dealing
14 with your issues or you can not deal with your
15 issues and you can grow up in jail, okay, or just
16 grow up just, you know, always wondering when the
17 next police car is going to stop you for having a
18 taillight out and having a Warrant, okay? All
19 right. I would also strongly urge you, I'm not
20 passing on the truth or falsity of the charges, if
21 for whatever reason you have something in the
22 future happen like that and I know you won't
23 because you're going to address this, you know,
24 sometimes honesty is the best policy. I'm sure you
25 heard that growing up.

1 MR. BIDWELL: Yes.

2 THE COURT: There's a reason why those old
3 things stick around, because they're probably true,
4 you know, all right, so I'm going to give you --
5 I'm going to give you a shake at Easter weekend. I
6 suggest very strongly that you go to work, go home,
7 keep it low on the radar scale, all right.

8 MR. BIDWELL: Thank you.

9 THE COURT: All right, and I will be expecting
10 you know, confirmation from this office, from the
11 Lourde's --

12 MS. BIDWELL: Center For Oral Health.

13 THE COURT: All right, Center For Oral Health,
14 whatever program they have for the -- now, whatever
15 your issues, I don't need you to sit there and
16 spill yourself out right now, but if you have, you
17 know, whether it's substance abuse or marijuana,
18 cocaine, speed, alcohol, and alcohol alone can do
19 it, all right, it is usually a mixture of the
20 cocktail, all right, that you go ahead and take
21 care of it, all right, and be honest with yourself
22 first as to what your issues are and then be honest
23 with your family, okay, because that's how things
24 are going to go and everyone has got to be honest
25 with each other, all right, so if there are issues

1 there you need to address, address them and then
2 you probably won't ever see me again, which is
3 probably not a bad thing, okay. All right.

4 MS. BIDWELL: Thank you, sir.

5 THE COURT: All right, that's it. Have a good
6 day and I want to -- I want the counseling. I want
7 that by next Friday, okay. I'll be calling to
8 checkup, all right?

9 MR. BIDWELL: No problem.

10 THE COURT: All right, that's it.

11 MR. BIDWELL: Thank you.

12 (Whereupon, the proceedings were concluded.)

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C E R T I F I C A T I O N

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss

Court Reporter


DATED: October 31, 2006

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
 : ss.:
COUNTY OF ALBANY)

LISA SAVARIA, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at 650 Boght Road, Cohoes, NY 12047.

On June 20, 2007, deponent served the within Notice and Formal Written Complaint upon Charles O. Ingraham, Esq., attorney for Hon. Robert C. Murphy, respondent in this action, at 46 Front Street, Binghamton, New York, 13905, for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, certified mail, return receipt requested, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.



Lisa Savaria

Sworn to before me this
16th day of July, 2007.



Notary Public

CATHLEEN S. CENCI
Notary Public, State of New York
Qualified in Albany County
No. 4826529
Commission Expires November 30, 20 10

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
Of the Judiciary Law in Relation to

ROBERT C. MURPHY,

VERIFIED ANSWER

a Judge of the Binghamton City Court,
Broome County.

ROBERT C. MURPHY, by his attorneys Aswad & Ingraham, Charles O.

Ingraham of counsel, for his Answer to the Verified Complaint, states as follows:

1. Admits the allegations of Paragraph 1.
2. Admits the allegations of Paragraph 2.
3. Denies the allegations of Paragraph 3.
4. Admits the allegations of Paragraph 4.
5. Denies the characterization of events set forth in Paragraph 5. The only persons who "permitted" attorneys affiliated with his private practice to represent clients before them were the full time City Court Judges. Often these affiliated attorneys had been appointed or assigned by the full time City Court Judges or by the Administrative Judge of the Sixth Judicial District. None of these appointments or assignments were made on the advice of, or encouragement of, the respondent Murphy. The Respondent does acknowledge that attorneys affiliated with his private practice on occasion did represent clients in cases where one of the full time City Court Judges was presiding, but as set forth in the First Affirmative

EXHIBIT B

Defense herein, he did not know at that time that this was in violation of any statute, regulation, or canon of ethics.

6. Admits that Respondent was "Of Counsel" to the law firm of O'Connor, Gacioch,

Pope & Tait, LLP; but denies that Respondent was a partner of said law firm.

Respondent further denies that Kurt Schrader was a partner of said firm. Upon information and belief Kurt Schrader was "Of Counsel" to said firm. Admits the balance of the allegations set forth in Paragraph "6".

7. Denies that James Sacco joined the firm as a partner, but admits the allegations set forth in the balance of Paragraph 7.

8. Admits the allegations contained in Paragraph 8.

9. Denies the characterization of events set forth in Paragraph 9. As indicated in paragraph 5 herein, the only persons who "permitted" attorneys affiliated with his private practice to represent clients before them were the full time City Court Judges. Often these affiliated attorneys had been appointed or assigned by the full time City Court Judges or by the Administrative Judge of the Sixth Judicial District. None of these appointments or assignments were made on the advice of, or encouragement of, the respondent Murphy. Although the Respondent has not researched the accuracy of all the case citations set forth in Schedule A appended to the Complaint, he does acknowledge that attorneys affiliated with his private practice did represent clients in many of those cases, and perhaps all of them. As set forth in the First Affirmative Defense herein, he did not know at that time that this was in violation of any statute, regulation, or canon of ethics.

10. Denies the allegations contained in Paragraph 10, and refers to his First Affirmative Defense herein. With special emphasis, he strenuously denies that he advanced “his own private interest and the private interest of others.”
11. Admits he did not disqualify himself from hearing the case of Wilder and Indira Valle v. Dawn Marvin and Emmanuel Martinez , but denies the Petitioners in that case continued to be Attorney Schrader’s clients at the time the case was heard.
12. Admits the allegations contained in Paragraph 12.
13. Admits the allegations in Paragraph 13, but provides this clarification. The respondents in the case referred to appeared in City Court several hours after the summary proceeding had been scheduled. Judge Pellelela did vacate, and then set the matter down for a new hearing date. On that new hearing date, the Respondents again failed to appear and Judge Pellelela then entered a default judgment in favor of the Petitioners. Hence, the end result was identical to the original decision.
14. Denies the allegations in Paragraph 14.
15. Denies the allegations of Paragraph 15.
16. Denies the characterization in Paragraph 16 that Thomas J. Dellapenna, Jr. pointed out to him that it was inappropriate for Dellapenna to appear before him, and denies the characterization that Attorney James Mack “stood in” for Dellapenna, since Attorney Mack acted as substituted counsel, but admits the balance of the allegations contained in Paragraph 16.
17. With respect to Paragraph 17, denies knowledge as to the identity of the person who filed new affidavits of service, but admits on that the records show that on or

about September 8, 2005, some person in City Court asked him to issue warrants of eviction and that he did so.

18. Denies the allegations contained in Paragraph 18.

19. Admits the allegations contained in Paragraph 19

20. Denies the allegations contained in Paragraph 20.

21. Denies the allegations contained in Paragraph 21.

22. Admits the allegations contained in Paragraph 22.

23. Admits the allegations contained in Paragraph 23.

24. Admits the allegations contained in Paragraph 24.

25. Admits the allegations contained in Paragraph 25.

26. Admits the allegations contained in Paragraph 26.

27. Admits the allegations contained in Paragraph 27.

28. Denies the allegations contained in Paragraph 28.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE
WITH RESPECT TO CHARGE I

29. Respondent began service as a part-time City Court Judge on very little notice, and had no prior experience in this role. He was appointed to City Court Judge on June 12, 2002, was sworn in on June 14, 2002 and sat as a City Court Judge the next day. He discussed procedures during the early months of his tenure with the two full time City Court Judges, one of whom had been in the position for decades. He also discussed various aspect of his new job with personnel at the Office of Court Administration and with the Chief Administrative Judge of the Sixth Judicial District.

30. Prior to the events in early 2006, no one ever advised him that it was improper in any manner for attorneys affiliated with the private law office where he worked to appear before the other City Court Judges, and the thought did not occur to the Respondent.
31. In fact, the two experienced full time City Court Judges often appointed or assigned attorneys who they knew to be affiliated with the Respondent's private law office to handle cases before them, thereby encouraging and abetting the practice. When a new full time City Court Judge was elected, he followed the same practice. In addition, the Chief Administrative Judge on occasion would arrange for attorneys affiliated with the Respondent's law office to represent clients in matters in front of the full time City Court Judges, and obviously was not aware of this prohibition. In addition, one of the attorneys affiliated with the Respondent, and with knowledge of the fact that attorneys from that office were practicing before the full time Judges on City Court was a member of the Commission on Judicial Conduct, and he never raised or expressed any concern about the practice, and thus obviously was not aware of this prohibition.
32. During this same time period, other private attorneys, the offices of the district attorney and public defender, and Court personnel were all aware of this practice and never cautioned against it or raised any objection.
33. In early 2006, City Court Judge Pellela raised some concern about whether it was proper for an attorney affiliated with the Respondent's private law practice to bring before him an action to collect money on behalf the said law firm, and this is how the issue first surfaced.

34. Upon information and belief, Judge Pellelela asked the full time City Court law clerk to research the question, and the clerk responded by making a copy of a page of the annotated NYCRR, and the clerk circled a summary of an opinion letter which seemed to him to infer that such a practice was proper (although the opinion was not exactly on point). A copy of the page provided by the City Court law clerk is attached as Exhibit A.
35. Within weeks of that inquiry by Judge Pellelela, further discussions about this subject were conducted when an out of town local Judge expressed the opinion that attorneys affiliated with a part-time Judge's private office should not appear in City Court at all, irrespective of the Judge.
36. When that opinion was made known, the Respondent immediately (April 6, 2006) contacted by letter the Advisory Committee on Judicial Ethics with questions about how best to proceed, and at about the same time, all City Court Judges in Binghamton ceased to allow attorneys affiliated with the Respondent's law firm to practice before the Court. Respondent received a reply to this letter, merely acknowledging the letter a few days later, but did not receive a substantive response for more than a year.
37. Hence, remedial action had been taken prior to Judge Lehmann's May 2006 letter of complaint. Respectfully, Judge Lehmann's complaint was less about her concern about alleged improprieties in Binghamton City Court than about her personal animosity toward the Respondent. Judge Lehmann had countenanced the practice being complained about for almost four years without voicing any

concern about it, and without any effort to counsel or mentor the Respondent in his role as a new part-time City Court Judge.

38. Moreover, Respondent attended seminars and other training sessions organized by OCA and the unique issues and problems faced by part-time Judges was not discussed or analyzed. In none of those sessions was there any information provided, or caution given, about this issue.

39. Hence, any violation of the applicable statute by other City Court Judges in allowing attorneys affiliated with the Respondent to practice before them was an innocent error by those Judges, based on their lack of knowledge about the statute and its implications. Similarly, Respondent did not caution the other Judges about this practice because he also did not know of the statute or its implications.

40. Respondent did not profit or have any financial interest in the fact that attorneys affiliated with his office practiced in City Court. Most of the fees generated, especially for assigned cases, were barely enough to cover overhead. In fact, in some instances fees were not charged at all, because the time necessary to complete the paperwork was not worth the amount of the possible fee.

41. During this period of time, attorney appearances pursuant to assigned counsel were considered courtesies to the Court, not as helpful in revenue production. This is evidenced by "thank you" letters and notes Judge Lehmann sent to Attorneys Schrader and Sacco after they agreed to take her assignments (which paid \$25 hourly for "out of court" time and \$40 hourly for court appearances).

42. Respondent was never a partner in O'Connor, Gacioch, Pope & Tait, LLP.

43. Respondent did not share income within the law firm of Pope, Schrader & Murphy.
44. In the one year of existence of the law firm of Pope, Tait & Murphy, most of the appearances were assign counsel appearances by Attorneys Schrader and Sacco, who were both of counsel to said firm.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE
WITH RESPECT TO CHARGE II

45. Respondent allowed Petitioner Valle to proceed pro se before him because the Valle's had driven over three hours from Kingston, New York and the Defendants had defaulted. Even after Judge Pellelela stayed Respondent's Judgment, the Respondents' defaulted again at the adjourned hearing and Judge Pellelela signed a warrant of eviction based on the Respondents' second default. Hence the same result was obtained, and no injustice was done.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE
WITH RESPECT TO CHARGE III

46. There is no indication that an injustice occurred in this matter, or that any party was prejudiced by any bias on the part of the Court. In fact, Respondent was careful in examining the Petitioner's papers before him, even though the respondents in that matter were in default, and noticed that the affidavits of service were improper. Hence, he did not sign an eviction at that time.
47. In retrospect, Respondent acknowledges it would have been preferable to insure that Attorney Dellapenna left the Courtroom before agreeing to hear Attorney Mack on the matter, and he should have been more sensitive to the possibility that

this could be perceived as allowing Dellapenna to continue to play some role. He has taken pains since this matter came under investigation to insure that no part-time Judge will practice in any manner before him, or take part in any way in any matter pending before him.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE
WITH RESPECT TO CHARGE IV

48. Respondent's taking a guilty plea of a felony on Saturday, February 25, 2006, was a mistake which was corrected the following Monday by Judge Pellela.
49. The Defendant had a considerable criminal record and brushed aside Respondent's attempts to provide him consultation of a public defender and advise of his rights.
50. Defendant concedes he was mistaken in accepting the guilty plea from the defendant, but in no way does the Charge show how Respondent's mistake was intended or calculated in any manner to subvert the defendant's rights.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE
WITH RESPECT TO CHARGE V

51. A balanced reading of the cases set forth in Charge V does not show any prejudice towards the defendants. Rather, they were attempt to emphasize to the defendants that they should not conduct themselves in a way that would prevent them from making required court appearances.
52. Rather than simply processing young offenders, setting bail and washing his hands of the defendants, Respondent engaged the defendants, especially younger defendants, in the hope of eliciting positive action by the defendants to avoid the need for bail.

53. None of the defendants complained of Respondent's attempts to deal with their problems.
54. In fact, an audit of arraignments by Judge Hillis and Lehmann in comparison with Judge Murphy would likely show that Respondent is much more likely to release a Defendant without bail or within the PTRP and much less likely to sign bench warrants for simple failures to appear on minor charges. These are much better indicia of whether a judge is treating a defendant as "innocent until proven guilty," than whether a judge lectures a young defendant in the hope he might "get through" and encourage the young person to avoid trouble with the law in the future.
55. Charge V mischaracterizes Respondent's questioning of Defendants in regard to possible use of controlled substances. Inquiries of this sort are solely for the purpose of evaluating whether a particular defendant might benefit from the City of Binghamton's Adult Drug Treatment Court. This is consistent with the City Court policy and even encouraged by the Office of Court Administration, which provides pamphlets with respect to the advantages to certain individuals of this Court.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE
WITH RESPECT TO ALL CHARGES AND BY WAY OF MITIGATION

56. Prior to being appointed City Court Judge, Respondent had served the City of Binghamton as Corporation Counsel 1994 to 1998. He has volunteered his time and efforts to numerous pro bono activities for the benefit of the people of the community.

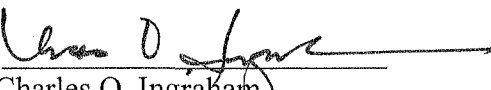
57. Respondent is the one Binghamton City Court judge who makes himself available any time- day or night- to arraign prisoners identified with health risks or suicidal by police screening, or when female guards are not available.

58. Quite contrary to the inferences in the Charges in the Complaint, Respondent has earned a reputation as fair and willing to listen to defendants and to give defendants a chance to go back to their jobs and families rather than simply assuming guilt and setting bail.

WHEREFORE, the Respondent respectfully demands that the Complaint be dismissed.

Dated: August 10, 2007
Binghamton, New York

ASWAD & INGRAHAM

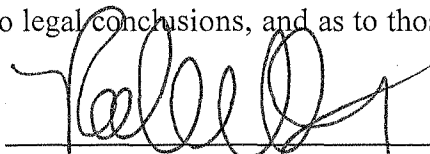
By: 
Charles O. Ingraham
Aswad & Ingraham
Attorneys for Respondent
46 Front Street
Binghamton, New York 13905
Tel.: (607) 722-3495

To: Robert H. Tembeckjian
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

VERIFICATION

STATE OF NEW YORK)
).SS:
COUNTY OF BROOME)

Robert C. Murphy, being duly sworn says: I am the Respondent in the action herein; I have read the annexed Verified Answer, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief or responses to legal conclusions, and as to those matters I believe them to be true.



Robert C. Murphy

Subscribed and sworn to before me
this 10th day of August, 2007.



Notary Public

CHARLES O INGRAHAM
Notary Public, State of New York
No 9822805
Residing in Broome County
My Commission Expires 2/22/11

Canon 4

[22 NYCRR § 100.4]

ate. Op. Adv. Comm. Jud. Eth. 91-66, ol. VII.

A judge may accept an executorship or trusteeship which does not conflict with the performance of his judicial duties. N.Y. State 72-240.

5. Private practice of law—In general

Acceptance of a judgeship with the duties of conducting misdemeanor trials, and examinations in felony cases to determine whether those accused should be bound over for trial in a higher court, ethically bars the judge from acting as attorney for the defendants upon such trial, whether they were examined by him or by some other judge. ABA Opinion 442 (1942).

Without the approval of the Chief Administrator of the Courts, a full-time judge may not serve as an executor of an estate of a non-relative or as a testamentary trustee for former clients. Op. Adv. Comm. Jud. Eth. 93-84, Vol. XI.

A full-time judge may not represent his or her daughter at a real estate closing. Op. Adv. Comm. Jud. Eth. 92-118, Vol. X.

Judges may offer informal, uncompensated legal advice to friends or relatives when no attorney-client relationship exists. Op. Adv. Comm. Jud. Eth. 91-05, Vol. VII.

It is not improper for a lawyer who is a justice of the peace in one town to practice law as counsel for criminal defendants in another town so long as there is no reasonable likelihood that his appearance would give rise to prejudice or favoritism. N.Y. State 70-150.

An attorney, serving as a local justice of the peace, may not properly appear in the county court to defend an accused felon when the offense occurred within the county of the local judge's jurisdiction, but not within the town where he presides. N.Y. State 70-146(a).

16. — Acting or temporary judges, private practice of law

Part-time judge who still practices law may appear before part-time judge who has officially retired from practicing law. Op. Adv. Comm. Jud. Eth. 90-199, Vol. VII.

Part-time judges shall be prohibited from appearing before zoning board of

JUDICIAL CONDUCT

appeals and planning board of the same municipality, however, disqualification of partners and associates depends on facts and circumstances. N.Y. State 92-632.

It is not improper for an attorney who occasionally volunteers to serve as a non-paid arbitrator in a small claims part of a local court to practice before the same small claims part. N.Y. State 75-380.

An acting city court judge may not represent a claimant against the city even though the proceeding is brought in Supreme Court. N.Y. State 73-308.

An attorney appointed temporary acting judge to preside during the absence of the regular judge in a criminal court may not properly represent clients in criminal matters before the same court or other criminal courts. N.Y. State 72-263.

A part-time judge with criminal jurisdiction can not represent clients in criminal matters in his private practice. N.Y. State 72-228.

An attorney who is a partner in law firm may not share his salary from the office of part-time town justice with his law partners. N.Y. State 71-210.

A part-time judge of city court having limited countywide civil and citywide misdemeanor jurisdiction may not properly practice criminal law in courts outside the city, but may practice civil law. N.Y. State 71-181.

An attorney, who serves as a judge of a court meeting once a week to try misdemeanors and hold felony hearings, may not properly defend clients in a higher criminal court in the same county. N.Y. State 70-146.

It is proper for a part-time police justice of an incorporated village to defend clients in a court other than the court in which he has been appointed. N.Y. State 67-57.

A part-time judge should not be employed in any matter which might be brought before the court of which he is a member. N.Y. State 66-39.

It would be improper for a lawyer to practice in a court in which he sits as a part-time judge. N.Y. State 65-19.

17. — Government attorneys, private practice of law

A town attorney may not also serve as town court justice unless his office is

JUDICIAL CONDUCT

not represent the town in that court and there are other justices to hear matters affecting the town. Op. Atty. Gen. (Inf.) 89-63.

A village attorney may not also serve as village court justice unless he does not represent the village in that court and there are other justices who can preside over matters involving the village. Op. Atty. Gen. (Inf.) 89-25.

Deputy town attorney may not practice before lawyer-justice in town court when town attorney is acting village justice in village court in same county. Op. Adv. Comm. Jud. Eth. 90-165, Vol. VII.

An attorney for the town Zoning Board of Appeals and Planning Board may not also serve as town justice. N.Y. State 71-71.

There is no conflict of interest per se or other impropriety for a Deputy County Attorney of Nassau County to serve as Village Justice in an incorporated village within Nassau County, as long as the County Attorney's office has no prosecutive duties in the Village Court. Nassau County 80-6.

Partners or associates, private practice of law

An attorney who is a member of the Administrative Appeals Board of the New York State Motor Vehicle Department or partners or associates as a quasi-judicial officer may not represent private parties at a hearing conducted by a motor vehicle referee or in an Article 78 proceeding or other action against the Department of Motor Vehicles. N.Y. State 69-118.

CANON 5

Judge or Candidate for Elective Judicial Office Shall Refrain from Inappropriate Political Activity

(1) Incumbent judges and others running for public election to judicial office. (1) Neither a sitting judge nor a candidate for public election to judicial office shall directly or indirectly engage in any political activity except (i) as otherwise authorized by this section or (ii) to vote and to identify himself or herself as a member of a political party, and (iii) on behalf of measures to improve the law, the administration of justice, or the administration of justice. Prohibited political

Canon 5

[22 NYCRR § 100.5]

The partner or associate of a town justice of a first class town may appear before an administrative board or agency of such town in the same circumstances under which the town justice may appear, that is, when it is clear that there exists no conflict between the town justice's duties to the public as a judge and his undivided loyalty to his client and where there exists a total absence of even the appearance of professional impropriety. N.Y. State 74-342.

An attorney may not hold the position of town justice when his partner is charged with responsibility for criminal prosecution in behalf of the town. N.Y. State 73-280.

In the absence of any other conflict of interest, an attorney may hold the position of town justice when the legal services performed by partner for the town do not involve criminal prosecution and do not contemplate litigation before that court. N.Y. State 73-280.

It would not be proper in a town which is within county where his office associate is district attorney, for a lawyer to accept the position of justice of the peace. N.Y. State 71-214.

N.Y. State opinions which place limitations on practice of part-time judges apply to a part-time judge's partners and associates. N.Y. State 71-203.

It is ethically improper for a village police judge to sit in judgment on criminal matters in a jurisdiction where his partner is an assistant district attorney. N.Y. State 69-118.

Exhibit A